S. Hrg. 98-1257, Pt. 2

NATIVE HAWAIIANS STUDY COMMISSION

HEARINGS

BEFORE THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON THE

REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION

APPENDIX

PART 2

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Additional material submitted for the record 1

HAWAIIAN CONSTITUTIONS
GRANTING
LAWS, LAND DIVISIONS AND AWARDS

-A RESPONSE TO THE-

NATIVE HAWAIIANS STUDY
COMMISSION

FINAL REPORT

for the

Council of Hawaiian Organizations

BY
Louis K. Agard, Jr.
Chairman, Coordinated Response

1984

ERRATA

Page iia	SHOULD READ, because the Republic of Hawaii had no interest to give. There is a duplication.
Page 5 line 13	SHOULD READ, to reduce their numbers dramatically into a minority. There is a duplication.
Page 38	Chapter 20, STEVENS AND OVERTHROW, omission, not listed in Table of Contents
Page 44 line 23	SHOULD READ, spent for special interests, rather than specific interests.
Page 51 line 6	SHOULD READ, agent to Hawaii, Gregg, advised U.S. Secretary Marcy he had recieved approval to cede.
Page 55 line 6	SHOULD READ, then native Hawaiians paid for their citizenship and no others were required to do the same in a forfieture of rights. An omission.
Page 58 line 3	SHOULD READ, There does not appear to be any process rather than, there does appear.
Page 75 line 22	SHOULD READ, in fact they are not, rather than,fack they are not.
Page 77	Is transposed and should be page 76, and page 76 should be page 77.
Page 82 line 8	SHOULD READ, saying that ceding sovereignty of Public Lands was an appropriate cession under international law.
Page 83 line 30	SHOULD READ, from ship to shore in Honolulu.
Page 84 line 18	SHOULD READ, unwarranted attack of the warlike
Page 86 line 25	SHOULD READ, When discussions were renewed again it was called a boondoggle.
Page 110 line 3	SHOULD READ, The remaining lands of the kingdom
Page 124 line 4	SHOULD READ, comprised approximately 2,478,000 acres in 1848 as the combined Crown and Government lands total.
Page 127 line 19	SHOULD READ, The largest natural fish pond
Page 129 line 7	SHOULD READ, established by the Resolution of Annexation and in Article II,

ERRATA________________Page 2

Page 143 line 10	SHOULD READ, Kuleana Act had an important intent,
Page 144 line 3	SHOULD READ, 1852, 1864 and 1887, rather than 1854
Page 154 line 17	SHOULD READ, water at affordable rates
Page 185 line 9	SHOULD READ, as a declaration of independence
Page 209 line 29	SHOULD READ, in effect implying tacit approval
Page 210 line 4	SHOULD READ, SUCH as the President's tacit approval

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-SECTION A-

SUMMARY OF ISSUES

VOLUME I OF THE NATIVE HAWAIIANS STUDY COMMISSION REPORT CONSISTING OF 747 PAGES PRESENTS SEVERAL SUBJECTS THAT REQUIRE FURTHER CLARIFICATION.

I

VOLUME I WAS PRODUCED IN A CLIMATE AND ALSO WITHIN A TIME FRAME THAT WAS NOT CONDUCIVE TO IMPARTIALITY. THE REPORT SUGGESTS THE USE OF A PARTISAN APPROACH RATHER THAN THAT IMPLIED IN THE DRAFTING OF P. L. 95-565 TO "CONDUCT A STUDY OF THE CULTURE, NEEDS AND CONCERNS OF THE NATIVE HAWAIIANS."

II

VOLUME I WAS PREPARED WITH AN INADEQUATE BUDGET WHICH ONLY UTILIZED LIMITED RESEARCH THEN PROVIDED INSUFFICIENT CIRCULATION OF DRAFT COPIES FOR PUBLIC REVIEW AND COMMENT. THERE WERE ONLY 800 SETS OF THE FINAL REPORT AVAILABLE FOR PUBLIC DISTRIBUTION TO ADDRESS 100 YEARS OF NATIVE HAWAIIAN CONCERNS AND DENIAL. (SEE PAGE 128)

III

MOST IMPORTANT THE CHIEF TRUST OF VOLUME I FINDINGS ARE MIS-DIRECTED. THOSE FINDINGS PRIMARILY SEEK TO DETERMINE WHAT COMPENSATION FOR THE TAKING OF NATIVE HAWAIIAN LANDS AND DOMINION SHOULD APPLY. WHILE THESE ARE CONSIDERABLE ASSETS A DETERMINATION MAY BE DIFFICULT. ON THE OTHER HAND, THESE CONVEYANCE BY THE NATIVE HAWAIIAN POSSESSORS. PAST NATIVE HAWAIIAN HISTORY CLEARLY DEMONSTRATES THAT SUCH CONVEYANCE HAS

BEEN CONSISTENTLY REFUSED. NATIVE HAWAIIANS HAVE CONSISTENTLY EXERCISED THE FIRST RIGHT OF REFUSAL TO SELL ANY OF THEIR LANDS.

IV

A CONGRESSIONAL RESEARCH SERVICE STUDY (CRS) CONDUCTED IN 1973 SUGGESTED THAT NATIVE HAWAIIANS WERE COMPENSABLE FOR THE SEIZURE OF THEIR LANDS IN THE OVERTHROW OF 1893. (APP. II) SOME TEN YEARS LATER IN 1983 VOLUME I OF THE NATIVE HAWAIIANS STUDY COMMISSION CONCLUDES THE OPPOSITE AND THAT NATIVE HAWAIIANS ARE NOT COMPENSABLE FOR THE SEIZURE OF THEIR ASSETS. AN ARBITRATION BETWEEN THE TWO EXTREME FINDINGS APPEARS DESIRABLE BY MEANS OF A THIRD REVIEW OF ALL OF THE ELEMENTS.

V

VOLUME I OVERSIGHTS AN IMPORTANT REQUEST MADE TO THE NATIVE HAWAIIANS STUDY COMMISSION ON JANUARY 15, 1982 IN HONOLULU, HAWAII. THIS REQUEST HAD TO DO WITH A LETTER DATED AUGUST 30, 1976 TO THE U. S. DEPARTMENT OF THE INTERIOR. AMERICAN GROUPS SHOULD UPDATE THEIR CONSTITUTIONS. REPLIES WERE RECEIVED FROM THE DEPARTMENT AND ONE DATED MARCH 20, 1978 INDICATED FOR NATIVE HAWAIIANS THE INQUIRY APPEARED PREMATURE AS THE STUDY COMMISSION LEGISLATION WAS PENDING AND MAY ADDRESS THE ISSUE. THE STUDY COMMISSION'S VOLUME I DOES NOT MENTION THE HAWAIIAN CONSTITUTION AS PER INQUIRY AND THEREFORE THE ISSUE REQUIRES CONSIDERATION. ATTACHED AS EX. "L".

VI

ANOTHER STUDY, A CASE FOR REPARATIONS FOR NATIVE HAWAIIANS BY K. BLONDIN CONCLUDES THAT 'NATIVE HAWAIIAN INTEREST TO THE CROWN AND GOVERNMENT LANDS VOIDS ANY OTHER INTEREST. THEREFORE, THE UNITED STATES DID NOT ACQUIRE ANY LEGAL INTEREST IN THE LANDS THE REPUBLIC CEDED TO THE UNITED STATES BECAUSE THE REPUBLIC CEDED TO THE UNITED STATES BECAUSE THE REPUBLIC OF HAWAII HAD NO INTEREST TO GIVE.' (ATTACHED AS APP. V.)

Chapter 2 -FORWARD-

NATIVE HAWAIIAN CONSTITUTIONS AND GOVERNANCE

HAWAIIAN CONSTITUTIONS ARE A CENTRAL ISSUE TO ANY CONCERNS OF NATIVE HAWAIIANS AND REQUIRES FURTHER CONSIDERATION THAN HAS BEEN AFFORDED THEM IN VOLUME I. THE CONSTITUTIONAL OVER-SIGHTS IN VOLUME I ARE UNFORTUNATE.

CHRONOLOGICALLY, GOVERNING HAWAIIAN PROCESSES WERE:

. 1839 - DECLARATION OF RIGHTS

. 1840 - FIRST CONSTITUTION

. 1845 - BOARD OF COMMISSIONERS TO QUIET LAND TITLES

. 1845 - SUPPLEMENT TO STATUTE LAWS (KING DIVIDES LANDS)

. 1846 - ADOPTION OF BOARD OF COMMISSIONERS "PRINCIPLES"

. 1848 - MAHELE

. 1850 - KULEANA ACT

. 1852 - 2ND HAWAIIAN CONSTITUTION

. 1855 - KULEANA ACT AWARDS SUSPENDED

. 1864 - 3RD HAWAIIAN CONSTITUTION

. 1887 - 4TH HAWAIIAN CONSTITUTION (FORCED ON AS SHOTGUN CONSTITUTION)

. 1893 - NEW CONSTITUTION PROPOSED

. 1893 - NON-HAWAIIAN ABROGATE HAWAIIAN GOVERNMENT

. 1894 - REPUBLIC OF HAWAII (NON-REPUBLICAN OLIGARCHY)

. 1895 - DOLE LAND ACT, TO ALIENATE CROWN LANDS AND COMBINE THEM WITH HAWAIIAN GOVERNMENT LANDS TO CEDE TO U.S. SOME 1.7 MILLION ACRES

. 1895 - CLAIMS TO CHIEFS LANDS PERMISSABLE

. 1898 - ANNEXATION, EXECUTIVE ORDER NO. 2 TO STOP LAND SALES

- . 1900 - ORGANIC ACT
- . 1909 - COMMUTATION TAX ON KULEANA VIEWED AS LIEN DUE GOVERNMENT
- . 1920 - HAWAIIAN REHABILITATION ACT
- . 1959 - STATEHOOD
- . 1980 - ESTABLISH OFFICE OF HAWAIIAN AFFAIRS
- . 1981 - P. L. 95-565 STUDY COMMISSION TO ADDRESS HAWAIIAN CONCERNS

THERE WERE THREE VALID HAWAIIAN CONSTITUTIONS AND ONE CONSTITUTION, THAT OF 1887, THAT WAS IMPLEMENTED WITH THE USE OF FORCE AS COULD BE CONSIDERED THE CONSTITUTION OF 1894. THE CONSTITUTION OF 1894 AND THE RESOLUTION OF ANNEXATION WERE PUT IN PLACE WHILE NATIVE HAWAIIANS WERE HELD IN SUBJUGATION.

THE FIRST HAWAIIAN CONSTITUTION OF 1840 WAS A UNIQUE GRANT FROM THE KING AND UNLIKE THE AMERICAN CONSTITUTION WHICH WAS ORDAINED BY THE AMERICAN PEOPLE. AN IMPORTANT EVENT UNDER THE CONSTITUTION OF 1840 WAS THE 1848 MAHELE TO SET APART THE VESTED RIGHTS OF THE KING, CHIEFS AND PEOPLE. THE MAHELE UNDER THE CONSTITUTION OF 1840 SERVED AS A DEED FOR THE COMMON PEOPLE'S LANDS. TO ADDRESS THE PROBLEM OF AWARDING COMMONERS THEIR LANDS THE KULEANA ACT WAS DEVISED IN 1850 TO DIVIDE OUT INDIVIDUAL CLAIMS FOR FARMING AND HOUSELOTS. THE KULEANA ACT ONLY AWARDED A SMALL FRACTION, ABOUT 1% OF THE LAND TO THE COMMON PEOPLE WHERE THEY HAD BEEN PROMISED BY AN APPARENT PAROL GRANT SOME 1.3 MILLION ACRES IN THE MAHELE OR ONE-THIRD THE KINGDOMS LANDS. THE KULEANA ACT WAS SUSPENDED IN 1855 IN PART DUE TO THE PROLIFERATION TO AND SPECULATION BY NON-HAWAIIANS. THIS SUSPENSION SOME WRITERS CALL A TERMINATION DATE WITH NO OTHER EXPLANATION OR COMMENT ABOUT CONTINUING LAND DISTRIBUTION BY HOMESTEADING. IN THE MAHELE, THE KING SET ASIDE HIS PRIVATE LANDS AS CROWN LANDS APPROXIMATING 1,000,000 ACRES FROM HIS FORMER ROYAL DOMAIN. THE KING ALSO DESIGNATED 1.5 MILLION ACRES AS CHIEFS LANDS. USING THE GENERAL FORMULA OF DIVIDING THE KINGDOM INTO THIRDS THIS WOULD LEAVE SOME 1.6 MILLION ACRES AS GOVERNMENT LANDS OR THOSE FOR THE TENANTS (COMMONERS) AS DESCRIBED IN THE BOARD OF COMMISSIONERS ADOPTED PRINCIPLES. THIS WOULD INDICATE THAT THE COMMONERS COULD LAY CLAIM TO NO MORE THAN 1.6 MILLION ACRES IN THE AGGREGATE. WITH THE DISSOLUTION OF THE KULEANA ACT THE COMMONERS INTEREST HAVE REMAINED UNDIVIDED AND NOW HELD IN COMMON.

IT CAN BE SEEN HOW THE CONSTITUTION OF 1840 ESTABLISHED A FOUNDATION AND SYSTEM OF POLITY THAT WAS TO BE INITIALLY INTERRUPTED BY THE FORCED CONSTITUTION OF 1887. UNDER THE CONSTITUTION OF 1840 THE SYSTEM OF POLITY WAS EXPRESSED AS FOLLOWS:

KAMEHAMEHA I WAS THE FOUNDER OF THE KINGDOM, AND TO HIM BELONGED ALL THE LAND FROM ONE END OF THE ISLANDS TO THE OTHER, THOUGH IT WAS NOT HIS OWN PRIVATE PROPERTY. IT BELONGED TO THE CHIEFS AND PEOPLE IN COMMON, OF WHOM KAMEHAMEHA I WAS THE HEAD, AND HAD THE MANAGEMENT OF THE LANDED PROPERTY. WHEREFORE, THERE WAS NOT FORMERLY, AND IS NOT NOW ANY PERSON WHO COULD OR CAN CONVEY AWAY THE SMALLEST PORTION OF LAND WITHOUT THE CONSENT OF THE ONE WHO HAD, OR HAS THE DIRECTION OF THE KINGDOM. THE PERSONS WHO HAVE HAD DIRECTION SINCE ARE - KAMEHAMEHA II, KAAHUMANU, AND PRESENTLY KAMEHAMEHA III. THESE PERSONS HAVE DIRECTED THE KINGDOM TO THE PRESENT, AND ALL DOCUMENTS WRITTEN BY THEM, AND NO OTHERS ARE THE DOCUMENTS OF THE KINGDOM. THE KINGDOM IS PERMANENTLY CONFIRMED TO KAMEHAMEHA III AND HIS HEIRS FOR LIFE. THE PREROGATIVES OF THE KING FOLLOW:

. HE IS SOVEREIGN OF ALL THE PEOPLE, THE KINGDOM IS HIS

. IT IS HIS PREROGATIVE TO FORM TREATIES WITH THE RULERS OF ALL OTHER KINGDOMS 51/

REGARDING THE CONSTITUTION OF 1840 MINISTER R. C. WYLLIE QUOTED THE KING AS SAYING THAT, "IF IT (SHOULD) WORK BADLY FOR ME AND MY PEOPLE, REMEMBER, WHAT I GIVE, I WILL TAKE BACK." RELATIVE TO THIS THE KING IN 1852 WITH THE CONSENT OF THE LEGISLATURE GRANTED A NEW CONSTITUTION AS IF TO CONFIRM HIS EARLIER STATED RESERVATIONS AND AT THE SAME TIME SET A PRECEDENT.

IMPORTANTLY, THIS ACTION TRANSPIRED IN MID-PROCESS OF THE KULEANA ACT WHICH WAS SUSPENDED IN 1855. THE CONSTITUTION OF 1852 WAS A REVISION OF THE 1840 AND DID NOT CANCEL OUT THE BENEFITS OF THE KULEANA ACT, NOR DID OTHER REVISIONS TO FOLLOW.

Chapter 3

CONSTITUTIONS GIVING RISE TO STATUS

GENERAL STATEMENT; HAWAII **WAS** AN INDEPENDENT NATION AND THEREFORE THERE IS A SPECIAL STATUS FOR NATIVE HAWAIIANS. A GOAL IS THE REAFFIRMATION OF STATUS. (ATT. A)

ASSUMPTION: A FORCED CHANGE OCCURED IN THE NATIVE HAWAIIAN GOVERNMENT WITH THE USE OF U. S. MILITARY AND DIPLOMATIC FORCES IN 1893.

RESULT: NATIVE HAWAIIAN ASSETS WERE APPARENTLY TRANSFERRED IN A CEDING PROCESS TO THE U. S. IN 1898. NATIVE HAWAIIAN ASSETS AND EXERCISES HAVE BEEN HELD IN SUSPENSION.

POSSIBLE ACTION: SEEK RELEASE FROM SUSPENSION NATIVE HAWAIIAN ASSETS AND EXERCISES.

CLAIMS SECTION: THE ITEMIZED CONCERNS AS CLAIMS ISSUES. (ATT. B)

CURRENT REQUIREMENTS:

1. DISAVOW CONSTITUTION OF 1894 (ATT. C)
2. UPDATE A HAWAIIAN CONSTITUTION
3. COMPARE WITH OFFICE OF HAWAIIAN AFFAIRS CHARTER
4. COMPARE WITH STATE CONSTITUTION
5. REAFFIRM RECIPROCITY TREATY
6. EXAMINE ATTRIBUTION OF CEDED LANDS

PURPOSE: TO SUBSTITUTE AN UPDATED AND REVISED DOCUMENT FOR THE OFFICE OF HAWAIIAN AFFAIRS OR FOR A PARALLEL AGENCY. SUCH A DOCUMENT TO BE ACCEPTABLE IN FORM AND CONSISTENT WITH THE OTHER

RELATED OPERATING CONSTITUTIONS. THE DOCUMENT TO SERVE ALL REGISTERED NATIVE HAWAIIAN VOTERS OF OHA WHO ARE THE DESCENDANTS OF THE ORIGINAL BENEFICIARIES OF THE NATIVE HAWAIIAN GOVERNMENT. THIS THRUST RECOGNIZES THAT THE HAWAIIAN CONSTITUTION GRANTED SUFFERAGE AND LAND INTERESTS TO SERVE AS THE BASIS OR THE PRIMARY DEEDS TO THE LANDS OF HAWAII NOW IN QUESTION.

ATTACHMENT A

PEOPLE WHO DESCENDED FROM AN ANCESTOR WHO WAS IN HAWAII BEFORE 1778 ARE INDIGENOUS AND ENJOY SPECIAL PREROGATIVES BECAUSE OF THAT EARLY STATUS. ON THE OTHER HAND, IF HAWAIIANS SEEK REPARATIONS FOR DENIAL OF AN EARLIER STATUS THEN ONLY A REMEDIAL AND TEMPORARY SOLUTION MAY RESULT. IN AN ERA OF DIMINISHED RESOURCES AND OPPORTUNITIES THE PREROGATIVES OF AN EARLIER STATUS ARE DESIRABLE.

IT IS CONCEIVABLE TO "GRANDFATHER" THE EARLY HAWAIIAN ASSETS OUT OF THEIR UNCERTAIN STATUS. GRANDFATHERING WILL DIVERT THE ASSETS BENEFITS TO THE DENIED COMMON INTEREST HOLDERS FOR THEIR SUSTAINED FUTURE. REMOVAL OF DENIAL WOULD PERMIT SELF-HELP THROUGH SELF-DETERMINATION WHILE REDUCING DEPENDENCY. THE PRESENT DEPENDENCY NATIVE HAWAIIANS EXPERIENCE IS REFLECTED IN THE MANY DEFICIENCIES THEY SUFFER.

THE EFFORTS NOW PROPOSE TO REDESIGN A SPECIAL STATUS FOR THE DENIED AND DEFICIENT NATIVE HAWAIIAN BASED ON THE PAST PREROGATIVES AND TO SECURE A SUSTAINED FUTURE FOR HAWAIIAN DESCENDENTS.

ATTACHMENT B

THERE ARE SEVERAL AREAS THAT ARE RELATED TO THE HAWAIIAN CLAIMS ISSUE. SOME OF THESE AREAS ARE ENUMERATED FOLLOWING:

1. A DESIGNATED AGENCY TO REPRESENT ALL AREAS OF HAWAIIAN CONCERN. THE OFFICE OF HAWAIIAN AFFAIRS (OHA) MAY SERVE IN THIS CAPACITY OR THE CREATION OF A SPECIAL AGENCY FOR THE PURPOSE. SUCH AN AGENCY MAY BE A CONTEMPORARY ONE OF SELF-DETERMINING EXERCISES.
2. TREATIES THAT HAVE BEEN CONCLUDED SHOULD BE REVIEWED AND UPDATED.
3. ALL SURPLUS FEDERAL LANDS, EITHER CEDED OR ACQUIRED SHOULD BE OFFERED FIRST TO THE DESIGNATED HAWAIIAN AGENCY AS SOON AS DETERMINED SURPLUS.
4. THE DESIGNATED AGENCY SHOULD HAVE A SPECIAL TAX STATUS.
5. THE BOUNDARIES OF THE HAWAIIAN ARCHIPELAGO SHOULD BE REDRAWN TO CONFORM TO THE ORIGINAL AND NOT THOSE CONTAINED IN THE PROPOSAL TO EFFECT IMMEDIATE STATEHOOD IN 1959.
6. REVIEW THE 1973 CONGRESSIONAL RESEARCH SERVICE FINDINGS FOR APPROPRIATENESS.
7. GRANDFATHER THOSE ENTITIES CREATED BEFORE THE OVERTHROW OF 1893 OUT OF CONFLICTING JURISDICTIONS.

ATTACHMENT C

THE CONSTITUTION OF 1894 IS REJECTED BASED ON ITS ARTICLE 32 WHICH DID NOT REPRESENT THE WILL OF THE MAJORITY OF THE ELECTORATE. THE CONSTITUTION OF 1894 INTERVENED IN THE CHAIN OF TITLE ENJOYED BY THE NATIVE HAWAIIANS GRANTED UNDER THE FIRST CONSTITUTION OF 1840 AND THE MAHELE OF 1848.

Chapter 7

EXPLANATION OF EXHIBITS

A - State Department confidential message stressing need to use confidentiality in case of Congressional review

B - Telegram advising of instructions for warship USS BOSTON sent under separate cover and to arrive early

C - Navy Department communique copied to State Department on the subject of political affairs in Hawaii

D - A letter to Minister Stevens from Admiral Skerrett expressing that they were both only servants of their government

E - Telegram advising the warship USS BOSTON would be ready to depart to carry out Department's instructions

G-I - A communication outlining assault and battery, armed threats and coercion to force membership into the Annexation Club and Provisional Government

G-II - A translation from Hawaiian language by Executive Council of the HAWAII PATRIOTS CLUB advising the possibility of martial law on the 4th of July as the Republic of Hawaii proclaimed itself and to remain calm

I - The McCreary Resolution passed by 173 years; 4 nays to declare the intervention in the Hawaiian government was condemned and Hawaiians deserve freedom of choice

J - President McKinley's Executive Order No. 2 to stop land sales in Hawaii that were rapidly proceeding under the Republic while Hawaiians were held powerless

L - A letter from U. S. Department of Interior to the Sovereignty Committee of the COUNCIL OF HAWAIIAN ORGANIZATIONS relative to updating the Hawaiian Constitution as other native Americans are encouraged

M - A letter advising the President of the United States had reached the decision, the Queen had been illegally deprived of her authority and should be restored

N - Preamble to S. J. Res. 155 acknowledging wrong doing on the part of representative of the U. S. Government

O - Copy of a decoded Navy cipher message giving instructions to legation in Honolulu to prepare for annexation

-SECTION B-

INCOMPLETE CONCLUSIONS, BASED ON HISTORICAL EVENTS

Chapter 8 -PROLOGUE-

A RESPONSE TO THE NATIVE HAWAIIAN STUDY COMMISSION FINAL REPORT

TO BEGIN ADDRESSING VOLUME I IT IS EVIDENT THAT THE RESEARCHERS EMPLOYED WERE NOT FAMILIAR WITH THE ORIGIN AND HISTORY OF THE NATIVE HAWAIIAN. RESEARCHERS WORKING WITHIN A LIMITED TIME FRAME AND NOT ACQUAINTED WITH THE SUBJECT HAVE DRAWN INCOMPLETE CONCLUSIONS. REPORTS OF THE HAWAIIAN LAND SYSTEM AND DISTRIBUTION APPEAR ABOUT 1100 A.D. 1/ THE ABSOLUTE POWER OF THE HAWAIIAN ARISTOCRACY WAS SIMILAR TO THAT OF THE SOCIETY ISLANDS AND EXERCISED SOME "CONSTITUTIONAL OR PRESCRIPTIVE RIGHT." THESE FACTORS DO NOT APPEAR TO BE ADDRESSED.

THE PREVAILING ECONOMIC CONDITIONS MAY HAVE UNDULY INFLUENCED THE FINDINGS IN VOLUME I TO CONCLUDE NO COMPENSATION. ALTHOUGH, COMPENSATION IS NOT THE CENTRAL ISSUE AND IS BEING MISUNDERSTOOD.

IT IS UNFORTUNATE THAT AN APPARENT PARTISAN APPROACH HAS BEEN APPLIED IN THE PREPARATION OF VOLUME I AS GOVERNMENT EMPLOYEES WERE RETAINED TO SERVE ON THE COMMISSION AND FORMED THE MAJORITY. OTHER GOVERNMENT RESEARCHERS WERE RETAINED TO PROVIDE MATERIALS FOR THE FINAL REPORT AND DRAFT. IT DOES APPEAR AS IF THE PRODUCERS OF VOLUME I WERE ADVERSARIAL IN SEVERAL INSTANCES. THE RESULT OF THIS MAY BE COMPARED TO THE BLOUNT AND MORGAN REPORTS THAT REACHED NEARLY THE OPPOSITE CONCLUSIONS IN THEIR RESPECTIVE INVESTIGATIONS OF 1893 AND 1894. THE APPROACH USED IN VOLUME I PARALLELS THAT USED BY THE MORGAN REPORT OF 1894. YET THE FINDINGS OF THE MORGAN REPORT OF 1894 PRECIPITATED THE INVESTIGATIONS OF VOLUME I SOME 90 YEAR LATER DEMONSTRATING THERE ARE UNRESOLVED ISSUES. THE U. S. GOVERNMENT EMPLOYEES WHO ASSITED PREPARING THE DIPLOMATIC HISTORY PORTION OF VOLUME I, HAVE WISELY ADVISED THAT "SHOULD RE-WRITING

THE CHAPTER BE DONE IT BE DONE BY EITHER AN ACADEMIC OR INDEPENDENT HISTORIAN WHO HAS NO ADMINISTRATIVE CONNECTION WITH THE U. S. GOVERNMENT." THIS STATEMENT STRONGLY IMPLIES A CLEAR NEED FOR AN IMPARTIAL APPROACH.2/

Chapter 9

METHODOLOGY

THE METHODOLOGY USED FOR THE STUDY PLAN DID NOT FULLY INVOLVE THE NATIVE HAWAIIANS IN ITS SCOPE OF DEVELOPMENT NOR IN THE CONSIDERATION OF THE ISSUES TO BE RESEARCHED. THE STUDY PLAN WOULD GATHER INFORMATION IN TWO BASIC AREAS. THAT OF SOCIAL ECONOMICS, CULTURE, EDUCATION, HEALTH, EMPLOYMENT, HOUSING, HISTORY, LANGUAGE AND RELIGION. THE SECOND AREA WAS TO ADDRESS FEDERAL, STATE, AND LOCAL RELATIONSHIPS. THE FORMER AREA WAS TO GATHER EXISTING DATA ON SOCIAL ASPECTS WHICH SHOULD HAVE BEEN USED SPARINGLY AND CAUTIOUSLY APPROACHED BECAUSE OF CONTRADICTING INFORMATION. IN THE LATTER AREA OF RELATIONSHIPS IT APPEARS THE INTERPRETATIONS USED TENDED TO REWRITE PORTIONS OF HAWAIIAN HISTORY. IN BOTH AREAS OF THE INVESTIGATIONS DEFICIENCIES WERE NOTED. THESE DEFICIENCIES ARE ONLY THE SYMPTOMS OF A DEEPER ROOT CAUSE. THE ROOT CAUSE CAN BE ATTRIBUTED TO THE SUBJUGATION OF NATIVE HAWAIIANS.

FOR EXAMPLE, PRIOR TO 1893 THERE WAS STILL MUCH OPEN SPACE. EMPLOYMENT WAS AVAILABLE, PARTICULARLY IN GOVERNMENT SERVICE. EDUCATION, STARTED BY KAMEHAMEHA III WAS AVAILABLE IN THE ENGLISH LANGUAGE AND WIDELY SUPPORTED. CRIME WAS NEARLY NON-EXISTANT. SOCIAL PROBLEMS WERE NOT VISIBLY OVER-RIDING. HOUSING IN THE TRADITIONAL MANNER WAS AMPLE AND A LEISURELY LIFESTYLE WAS PRACTICED. THE NATIVE HAWAIIAN GOVERNMENT COULD GENERATE REVENUES BY TAXATION, RENTALS, COMMISSIONS, SALES AND SERVICES THAT WERE PAID INTO A TREASURY. THE RECORD CLEARLY INDICATES THAT THE NATIVE GOVERNMENT EXERCISED RESPONSIBILITY IN BUDGETING AND STRESSED EDUCATION, HEALTH, AND COMMERCE CONCERNS. BY DOING SO

KEPT THE ANNUAL BUDGET WITHIN $200,000 TO $300,000. THE RECORD ALSO REFLECTS THE LACK OF RESPONSIBILITY OF SUCCEEDING ADMINISTRATIONS AFTER THE OVERTHROW OF 1893. 3/ THIS RECORD IS CONTAINED IN THE ROSTER LEGISLATURES OF HAWAII 1841-1918, IN THE ARCHIVES OF HAWAII AS PUBLICATION NO. 1.

AFTER THE OVERTHROW OF 1893 THE NATIVES HAD THEIR TREASURY AND ASSETS TAKEN OVER BY FORCE AND THEIR GOVERNING PROCESSES SUBJUGATED. THEY LOST THEIR GOVERNMENT JOBS, THEY WERE ARRESTED, JAILED AND SENTENCED. EVENTUALLY, THEY WOULD LOSE THEIR LIFESTYLE OF LEISURE AND BE CROWDED INTO CITIES IN POVERTY. THE GOVERNMENT AFTER THE OVERTHROW PAID SCANT ATTENTION TO SANITATION AND IN THE SLUMS NATIVE HAWAIIANS REPRESENTED THE LARGEST NUMBERS WHO SUCCUMBED TO DISEASE TO REDUCE THEIR NUMBERS WHO SUCCUMBED TO DISEASE TO REDUCE THEIR NUMBERS DRAMATICALLY INTO A MINORITY. THE CROWDING WAS A RESULT OF LARGE LAND ACCUMULATIONS BY RANCHES AND CORPORATIONS THAT FENCED OFF AND DENIED ACCESS TO THE FORMERLY BEST LAND USED BY HAWAIIANS FOR SUSTENANCE.

THE CONCLUSION CAN BE DRAWN THAT BY THE LOSS OF THEIR ACCESSES, LIFESTYLE AND TREASURY, NATIVE HAWAIIANS HAVE BEEN REDUCED TO A STATE OF DEPENDENCY. THEY ARE NO LONGER ABLE TO DETERMINE THEIR PRIORITIES RATHER MUST DEPEND ON THE GOOD GRACES OF THOSE IN POLITICAL POWER TO ALLOCATE REVENUES TO THEIR NEEDS. REDUCED TO DEPENDENCY HAS PRODUCED OTHER SOCIAL PROBLEMS. THERE ARE DEFICIENCIES IN HEALTH, EDUCATION, EMPLOYMENT AND HOUSING. THESE DEFICIENCIES ARE SYMPTOMS OF THE ROOT CAUSE. BECAUSE THEY ARE NOT PERMITTED TO EXERCISE ADMINISTRATION OVER THEIR FORMER ASSETS THEY CANNOT DETERMINE THEIR PRIORITIES. DEFICIENCIES CREATE APATHY. WHAT NATIVE HAWAIIANS ARE SAYING ABOUT THE RETURN OF THEIR COMMON LANDS MEANS THAT ITS SEIZURE HAS RELEGATED THEM

TO A STATE OF DEPENDENCY AND EARNED FOR THEM DEFICIENCIES. IT IS SAID TO BE DEFICIENT IS TO BE DEPENDENT.

Chapter 10

INSUFFICIENCIES

THE METHODOLOGY USED TO PRODUCE VOLUME I WAS TO CONDUCT HEARINGS THROUGHOUT HAWAII IN JANUARY 1982. THE RESULTING DRAFT REPORT IN SEPTEMBER 23, 1982 WAS CIRCULATED AND FOR BEING POSSIBLY BIASED. COMMENTS TO THE DRAFT WERE RECEIVED AND SOME INCORPORATED. ALTHOUGH THE FINAL REPORT STILL CONCLUDED THAT THERE WAS A LACK OF RESPONSIBILITY FOR THE FORCES THAT PARTICIPATED IN THE OVERTHROW OF 1893. THE COMMENT PERIOD WAS TO BE 60 DAYS AND THEN BY REQUEST EXTENDED TO 120 DAYS. HARDLY ENOUGH TIME TO RESPOND TO THE LEGAL ISSUES RAISED IN THE DRAFT ITSELF.

THE INSUFFICIENT NUMBER OF DRAFT COPIES PRINTED FOR CIRCULATION CAN BE ATTRIBUTED TO AN INSUFFICIENT BUDGET. THIS CONDITION IS ALSO REFLECTED IN THE STATEMENT BY THE VOLUME I PREPARER WHO SAID, "UNFORTUNATELY, THE SIX TO EIGHT WEEK TIME LIMIT, THE LACK OF FUNDS FOR TRAVEL, AND THE FACT THAT THIS WORK WAS ASSUMED FOR COMPLETION IN ADDITION TO OTHER WORK NORMALLY DONE BY THIS OFFICE PRECLUDED ANY MORE EXTENSIVE TREATMENT." THIS STATEMENT SPEAKS FOR ITSELF AND MAY IMPLY THAT THE WORK WAS NOT TAKEN SERIOUSLY.

DURING THE VOTING PROCESS TO PRODUCE THE 747 PAGE VOLUME I A DEEP DIVISION WAS EVIDENT. CLEAR CUT LINES WERE TAKEN BY THE APPOINTED FEDERAL EMPLOYEES VERSUS THE THREE NATIVE HAWAIIAN REPRESENTATIVES ENDING IN USUALLY THE SIX FEDERAL APPOINTEES VOTING AS A BLOCK TO FORM A MAJORITY OF 6 TO 3.4/

Chapter 11

INCONSISTENCIES

IN THE EXECUTIVE SUMMARY THERE ARE DIFFERENCES OF DATA AND STATISTICS. IN THE SUMMARY THE OBSERVATIONS MADE AND EXPRESSED RELATIVE TO THE HISTORY OF HAWAII ARE INCONSISTENT WITH THE RECOGNIZED FACT THAT HAWAII HAS SPECIAL LAWS THAT ARE PARTICULAR ONLY TO HAWAII. THEN TO PROCEED WITH THE COMPARISON BETWEEN THE ADMISSION TREATMENT OF OTHER STATES SUCH AS FLORIDA, TEXAS, OREGON AND ALASKA. PARTICULARLY NOT UNDERSTANDABLE ARE SOME ASSUMPTIONS SUCH AS RELATING TO THE TRANSFER OF SOVEREIGNTY ON AUGUST 12, 1898 WHEN HAWAII BECAME A TERRITORY OF THE U. S. VIEWED IN THE CONTEXT OF INTERNATIONAL LAW AND BY THE U. S. HOUSE OF REPRESENTATIVES IN 1894, IF ANYTHING, THE GOVERNING OLIGARCY OF HAWAII WAS AN ILLEGITIMACY AND VIEWED AS NOT DE FACTO BEING SUPPORTED SOLELY BY THE FORCE OF ARMS OF THE U. S. TROOPS.5/ THE FOLLOWING REPUBLIC OF HAWAII WAS NOT A REPUBLIC AND IT WAS NOTED AT THE TIME THAT IT PROVIDED FOR LARGE EMBARRASSMENTS TO THE U. S. BY RETAINING ITS POWERS SO UNILATERALLY. IF IT IS ARGUED THAT THE U. S. MINISTER HAD NO AUTHORITY TO INTERVENE IN THE AFFAIRS OF HAWAII, BUT DID AND CREATED A GOVERNMENT BY A FEW, THEN WHAT AUTHORITY DID THAT CREATED GOVERNMENT HAVE? OF GREATER CONCERN ARE THE HASTY ACTIONS OF THE U. S. PRESIDENT SUBMITTING A TREATY OF ANNEXATION TO THE CONGRESS A MERE MONTH LATER. IT WOULD SEEM THE TREATY SUBMISSION WAS TO SUPPORT THE USE OF U. S. TROOPS IN THE OVERTHROW AND A CONFIRMATION OF THE ADMINISTRATION'S VIEWS AS EXPOUSED TO L. A. THURSTON IN JUNE OF 1892 WHILE IN WASHINGTON.

IT IS ALSO AN IMPROPER ASSUMPTION TO INFER THAT THE QUEEN PRECIPITATED EVENTS TO CAUSE THE OVERTHROW WHICH IS OFTEN POINTED TO BY SOME HISTORICAL REVIEWERS. THE BUNGLED ELECTION OF 1892 AND THOSE DISGRUNTLED UNSUCCESSFUL CANDIDATES SET THE STAGE FOR ANNEXATION BY OVERT AND SECRET MEANS.6/ ONE DEVELOPMENT WAS THE ANNEXATION CLUB, A SECRET ORGANIZATION, WAS FORMED IN EARLY 1892 AND ITS MEMBER L. A. THURSTON HAD IN JUNE OF 1892 ALREADY ADVISED PRESIDENT HARRISON IN WASHINGTON AND THE STATE DEPARTMENT OF THE INTENT TO OBROGATE THE HAWAIIAN GOVERNMENT. AN ACTIVITY THE SECRETARY OF THE NAVY THEODORE ROOSEVELT APPARENTLY SUPPORTED BY SUGGESTING THE COMMANDER OF THE AMERICAN PACIFIC SQUADRON COULD BE USED TO CARRY OUT ANNEXATION.7/

THERE EXISTS A GROSS MISUNDERSTANDING OF THE ISSUE OF COMPENSATION FOR LOSS OF LAND OR SOVEREIGNTY. WHILE THE DENIAL OF SUCH PRIVILEGE OR USE IS AN INTENDED DISCUSSION, IT IS BEING CONFUSED. PAYMENT FOR LAND AND SOVEREIGNTY IS NOT THE CENTRAL ISSUE, AS IT IS NOT CONVEYED BY THE POSSESSORS NOR HAS IT BEEN SOLD. THE LENGTHY DISCUSSION ON ABORIGINAL TITLE MAY NOT BE APPLICABLE. NATIVE HAWAIIANS HAD A TOTALLY DIFFERENT STATUS FROM OTHER ABORIGINALS. THEY WERE GRANTED LANDS IDENTIFIED UNDER THE CONSTITUTION OF 1840 IN THE MAHELE (LAND DIVISION) OF 1848. EVENTUALLY FEE TITLES TO INDIVIDUALS WERE AWARDED BY MEANS OF THE KULEANA ACT OF 1850.8/ KULEANA AWARDS ARE STILL BEING CLARIFIED UNTIL THE PRESENT DAY.

IN THE CONCLUSIONS SECTION THERE IS AGAIN A MISCONCEPTION BY STATING THAT THE QUEEN ATTEMPTED TO REASSERT POWER. ANY EXCUSE WOULD SERVE THE ANNEXATIONISTS AS THEY ONLY WAITED OUT AN OPPORTUNITY. THE QUEEN ATTEMPTED TO PROVIDE A NEW CONSTITUTION

TO AFFORD WIDER SUFFERAGE AND IN HER CONSTITUTION OF 1893 PROPOSED ONLY TEN CHANGES OF MODEST CONSEQUENCE. ALTHOUGH THE OPPOSITION CLAIMED THAT THE NEW CONSTITUTION WOULD CALL FOR DEPARTING ALL WHITE MEN IN EFFORTS TO GAIN WIDE SUPPORT.9/

Chapter 12

BRIEF CONSTITUTIONAL REVIEW

THE FIRST CONSTITUTION OF 1840 WAS A GRANT FROM THE KING TO ALL OF THE HAWAIIAN PEOPLE. BY 1848 THE KING HAD ALSO DIVIDED HIS FORMER KINGDOM LANDS INTO THREE DIVISIONS, OF CROWN, CHIEFS AND GOVERNMENT LANDS SUBJECT TO THE RIGHTS OF THE TENANTS LIVING ON THE LAND. WITH THIS DIVISION ONLY THREE ENTITIES WERE FOUND TO HAVE VESTED RIGHTS IN ALL OF THE LANDS OF THE KINGDOM, THE KING (SYNONYMOUS WITH CROWN) THE CHIEFS AND THE PEOPLE (COMMONERS) UP TO THIS POINT THE PEOPLE HELD THEIR LAND IN COMMON. IN 1850 THE KULEANA ACT WAS PASSED TO DIVIDE OUT THE COMMONERS INDIVIDUAL INTEREST IN ANY OF THE THREE ENTITIES. BY THE KULEANA ACT SOME 28,000 ACRES WERE DIVIDED OUT IN CLAIMS OR ABOUT 1% OF THE TOTAL LANDS WHERE THE COMMONERS SHOULD HAVE BEEN ENTITLED TO 1.3 MILLION ACRES. BY THE CONSTITUTION OF 1840 THERE STILL REMAINS TO BE DIVIDED OUT THE MORE THAN 1.2 MILLION ACRES OF COMMONERS LANDS FROM THE LAND HELD IN COMMON. THERE HAS NOT BEEN ANY DUE PROCESS OF LAW TO DENY THIS DIVISION AS REQUIRED BY THE DECLARATION OF THE CONSTITUTION OF 1840 WHICH SAID, "NOTHING SHALL BE TAKEN FROM ANYONE WITHOUT DUE PROCESS OF LAW."

KAMEHAMEHA III SUCCEEDED HIS FATHER KAMEHAMEHA I THE ABSOLUTE MONARCH WHO GAINED BY CONQUEST ALL OF THE LANDS OF HAWAII. KAMEHAMEHA III GRANTED THE FIRST CONSTITUTION OF 1840 TO THE PEOPLE AND LATER IN 1852 AGAIN WENT BEFORE THE LEGISLATURE TO APPROVE A CONSTITUTION TO THE PEOPLE. HE GRANTED THE CONSTITUTION OF 1852 WITH THE APPROVAL OF THE LEGISLATURE. THERE ARE QUESTIONS OF WHETHER THE KING RESERVED THE RIGHT TO ABROGATE THE CONSTITUTION. HOWEVER BY PRECEDENT THE KING HAS DEMONSTRATED THAT HE COULD WITH

THE CONSENT OF THE LEGISLATURE GRANT A NEW CONSTITUTION. KAMEHAMEHA V ALSO GRANTED A CONSTITUTION IN THE SAME MANNER. THE CONSTITUTION OF 1887 WAS FORCED UPON KING KALAKAUA AND DISLIKED BY NATIVE HAWAIIANS FOR DENYING A LARGE NUMBER OF THEM VOTING PRIVILEGES. IT WAS THE PETITIONING OF THESE PEOPLE WHO ENCOURAGED QUEEN LILIUOKALANI TO DESIGN A NEW CONSTITUTION TO REPLACE THE "SHOTGUN CONSTITUTION OF 1887." BY PRECEDENT THE QUEEN WITH THE APPROVAL OF THE CABINET COULD IMPLEMENT A NEW CONSTITUTION. THE NEW CONSTITUTION ONLY AFFORDED AN EXCUSE FOR THE ANNEXATIONISTS TO INTERVENE AS THEY HAD ALREADY DECLARED THEIR INTENT TO ABROGATE THE HAWAIIAN GOVERNMENT. YET THE QUEEN APPARENTLY HAD THE AUTHORITY TO CARRY OUT THE IMPLEMENTING OF A NEW CONSTITUTION BY PRECEDENT AND WHICH THE U. S. PRESIDENT CLEVELAND RECOGNIZED WHEN HE DESCRIBED THE QUEEN AS CONSTITUTIONAL SOVEREIGN OF THE HAWAIIAN KINGDOM. ON THE OTHER HAND THE ANNEXATIONISTS WHO INTERVENED HAD NO AUTHORITY, WERE NEVER DE FACTO AND AN ILLEGITIMACY TO PROVIDE FOR LARGE EMBARRASEMENTS TO THE U. S.

IN THE CONCLUSIONS, THERE IS A STATEMENT REPEATED THAT CLAIMS THERE WAS A LACK OF RESISTANCE ON THE PART OF THE QUEEN AND CABINET WHEN THE U. S. FORCES WERE LANDED. THIS STATEMENT IS TAKEN FROM THE ANNEXATIONISTS WHO SAID THAT AT THE TIME TO JUSTIFY THEIR ACTIONS. ON THE CONTRARY OBJECTIONS TO THE LANDING OF TROOPS IN AN ACT OF WAR WAS RESPONDED TO BY OBJECTING TO U. S. MINISTER STEVENS. STEVENS HAD INDICATED HE WOULD RECOGNIZE ANY MOVE TO DECLARE A NEW GOVERNMENT IF MADE FROM A GOVERNMENT BUILDING. THE LACK OF RESISTANCE CLAIM INFERS THERE WAS NO ARMED FORCE WHEN IN REALITY THERE WERE ARMED MEN IN TWO AREAS WITH CANNON AND A HAWAIIAN POLICEMEN SHOT AND KILLED. HOWEVER, IT CAN BE DEDUCED THAT STEVENS RENDERED QUICK RECOGNITION FOR SEVERAL REASONS AND

IN AN ERRATIC MANNER. THAT THE U. S. FORCES ACTED WITHOUT EXPRESS AUTHORITY FROM THE UNITED STATES GOVERNMENT IS DEBATABLE. IN JUNE 1892, SIX MONTHS BEFORE THE SO-CALLED OVERTHROW, PRESIDENT HARRISON HAD ALREADY GIVEN HIS TACTIC APPROVAL TO L. A. THURSTON BY SAYING IN EFFECT, "IF YOU COME TO WASHINGTON WITH AN ANNEXATION PROPOSITION, YOU WILL FIND AN EXCEEDINGLY SYMPATHETIC ADMINISTRATION HERE," AND WHICH WAS ALL THURSTON WANTED TO HEAR. BY IMMEDIATELY FORWARDING AN ANNEXATION TREATY, HARRISON CONFIRMED HIS EARLIER DISCUSSIONS ABOUT ANNEXING HAWAII. ON THE OTHER HAND IF THERE WAS NO RESISTANCE AND PEACE PREVAILED AND STEVENS HAD NO AUTHORITY BUT CREATED AN UNAUTHORIZED BODY THEN NO NEGOTIATIONS SHOULD HAVE CARRIED OUT WITH SUCH UNAUTHORIZED BODY AND RESTORATION OF THE CONSTITUTIONAL GOVERNMENT SOUGHT.

Chapter 13

SPECULATION

THERE IS AN OBLIGATION TO RESTORE THE DAMAGE DONE. SPECULATING IN THE CONCLUSIONS SECTION ON THE NUMBER OF NATIVE HAWAIIANS WHO SIGNED THE CONSTITUTION OF 1894 TO PROMOTE ANNEXATION IN ARTICLE 28 CAN BE ADDRESSED AS FOLLOWS: IN 1892 THERE WERE AN OBVIOUS 22 NATIVE HAWAIIANS IN THE LEGISLATURE. IN THE SO-CALLED OVERTHROW OF 1893 THERE WERE THREE WHITE MEN UNDER S. B. DOLE, J. A. KING, P. C. JONES AND W. O. SMITH COMPRISING THE EXECUTIVE COMMITTEE OF THE PROVISIONAL GOVERNMENT. ADDITIONALLY, FOURTEEN WHITE MEN WERE APPOINTED TO THE ADVISORY COUNCIL EMPOWERED WITH GENERAL LEGISLATIVE AUTHORITY. THEY WERE S. M. DAMON, A. BROWN, L. A. THURSTON, J. F. MORGAN, J. EMMELUTH, H. WATERHOUSE, J. A. MCCANDLESS, E. D. TENNEY, F. W. MCCHESNEY, F. WILHELM, W. R. CASTLE, W. G. ASHLEY, W. C. WILDER AND C. BOLTE. THE EXECUTIVE COMMITTEE AND THE ADVISORY COUNCIL WERE SELECTED BY THE COMMITTEE OF SAFETY COMPRISED OF THIRTEEN WHITE MEN LED BY H. E. COOPER, CHAIRMAN AND INCLUDED A. BROWN, T. F. LANSING, J. EMMELUTH, C. BOLTE, E. SUHR, H. WATERHOUSE, W. C. WILDER, F. W. MCCHESNEY, W. O. SMITH, L. A. THURSTON, W. R. CASTLE AND J. A. MCCANDLESS. CHAIRMAN H. E. COOPER WAS A CALIFORNIA LAND LAWYER AND NOT A CITIZEN OF HAWAII BUT AN AMERICAN. THERE WERE NO NATIVE HAWAIIANS IN ANY OF THESE DECISION MAKING BODIES TOTALING 31 INDIVIDUALS THAT WOULD SUBSTITUTE IN EACH BODY AND TO PROVIDE NATIVE REPRESENTATION.10/

INDICATIONS ARE THAT SIX NATIVE HAWAIIANS SIGNED THE CONSTITUTION OF 1894 OUT OF A TOTAL OF 35 LEGISLATIVE INDIVIDUALS. IT IS NOT TOO MUCH TO SAY THE OATH OF ALLEGIANCE TO THE NEW

PROVISIONAL GOVERNMENT COULD BE INTIMIDATING AS ALL ARMS WERE TO BE SURRENDERED TO THE NEWLY PROCLAIMED GOVERNMENT. THE SIX NATIVE SIGNERS OF THE CONSTITUTION OF 1894 HARDLY REPRESENTS THE CLEAR MAJORITY OF NATIVE HAWAIIAN VOTERS TOTALING SOME 9,000 OUT OF THE 10,000 AGGREGATE ELECTORATE. BY THIS IT IS OBVIOUS THE REPUBLIC OF HAWAII UNDER THE CONSTITUTION OF 1894 IN ARTICLE 14, CONTRARY TO ITS NAME, WAS NOT A REPUBLIC BUT HAD TAKEN ITS POWERS FROM THE LEGITIMATE NATIVE HAWAIIAN GOVERNMENT.

IN THE CONCLUSIONS SECTION THERE IS AN EFFORT TO DEFINE TESTS OF ABORIGINAL TITLE.11/ UNFORTUNATELY, EVEN IF IT DID APPLY TO NATIVE HAWAIIANS THE REASONING IS FLAWED. THIS INVOLVES THE EXPLANATION, "TITLE MUST HAVE BEEN EXTINGUISHED BY THE GOVERNMENT OF THE UNITED STATES, NOT BY ANOTHER BODY SUCH AS THE GOVERNMENT OF HAWAII BEFORE THE UNITED STATES ANNEXED HAWAII." THIS IS ESSENTIALLY WHAT HAPPENED, UNDER THE INFLUENCE OF THE U. S. GOVERNMENT OFFICIALS FROM THE HIGHEST OFFICE AND ON DOWN TO THE USE OF U. S. TROOPS, THERE WAS NO OTHER ENTITY PARTICIPATING. IMMEDIATE ANNEXATION WAS SOUGHT BY PRESIDENT HARRISON TO CONFIRM THESE OBSERVATIONS. ALTHOUGH ABORIGINAL TITLE IS NOT REALLY THE ISSUE AS PREVIOUSLY STATED FOR HAWAII WAS NOT FOR SALE BUT CONVERSELY DEMONSTRATES THAT ANNEXATION WAS NECESSARY TO OVERCOME THE RESISTANCE.

IT IS DISPUTED THAT THE JOINT RESOLUTION OF ANNEXATION, NO. 55 (JULY 7, 1898) DID NOT CREATE A SPECIAL RELATIONSHIP FOR NATIVE HAWAIIANS.12/ ONLY BY A JOINT RESOLUTION COULD HAWAII BE ANNEXED LACKING ENOUGH SENATE VOTES AND ALSO ONLY BY OVERCOMING THE OBJECTIONS TO COLONIALISM AND RECEIVING, "STOLEN GOODS." THEREFORE, THERE IS A CLAUSE IN ARTICLE II OF THE RESOLUTION

PHRASED, "PUBLIC LAND IN HAWAII SHALL NOT BE CONSIDERED AS PUBLIC LANDS IN THE UNITED STATES AND THAT CONGRESS SHALL LEGISLATE SPECIAL LAWS FOR SUCH LANDS AT A FUTURE DATE." THE LANGUAGE APPEARS EXPLICIT, HAWAII'S LANDS ARE NOT PUBLIC LANDS. THIS STATEMENT INDICATES A SPECIAL RELATIONSHIP FOR NATIVE HAWAIIANS BECAUSE IT WAS THEIR LAND HELD IN COMMON BY THEIR VESTED RIGHTS AND SOMETHING NO OTHER RESIDENT COULD HISTORICALLY ALSO ENJOY. TO FURTHER SUPPORT THIS ARGUMENT THE CONGRESS OF THE U. S. IN 1920 SET ASIDE FROM THESE NON-GOVERNMENT LANDS SOME 200,000 ACRES FOR THE REHABILITATION OF NATIVE HAWAIIANS. THE RATIONALE APPEARS TO SUPPORT A TRUST ACTION AS NO OTHER GROUP BUT HAWAIIAN WAS RECOGNIZED BY SUCH A MEASURE. THIS ARGUMENT EMPHASIZES THAT THE CONCLUSIONS IN THE FINAL REPORT ARE INCORRECT.

A GREAT CONCERN IS THE COMBINING OF THE REPARATIONS ISSUE WITH OTHER ISSUES. FOR EXAMPLE, THE REPARATIONS ISSUE WAS FIRST RAISED 90 YEARS AGO BY PRESIDENT CLEVELAND WHEN HE SPOKE AGAINST THE U. S. PARTICIPATION IN THE OVERTHROW EVENTS OF 1893. ADDITIONALLY, THE U. S. HOUSE OF REPRESENTATIVES IN THE MCCREARY RESOLUTION OF 1894 CONDEMNED THE U. S. PARTICIPATION. THEREAFTER, PRESIDENT CLEVELAND RECALLED THE U. S. MINISTER TO HAWAII AND WITHDREW THE TREATY OF ANNEXATION SUBMITTED TO THE U. S. SENATE BY HARRISON AND FINALLY CALLED FOR REPARATIONS TO NATIVE HAWAIIANS FOR THE ACTS OF WAR COMMITTED AGAINST THEM. REPARATIONS REPRESENT A DISTINCT ISSUE APART FROM COMMON NATIVE LAND OR DAMAGES OR DOMINION.

AS FOR THE ISSUE OF COMPENSATION FOR THE LOSS OF SOVEREIGNTY, LET IT BE SAID THAT BECAUSE VOLUME I EXPRESSES THE VIEW THERE IS

NO LEGAL ENTITLEMENT FOR THE LOSS OF SUCH, THAT NO PRICE CAN BE FIXED, AND THEREFORE, IT HAS NO PRICE. NATIVE HAWAIIANS HAVE NOT CONVEYED OR SOLE THEIR HOMELAND, RATHER HAVE STRIVED TO PRESERVE AND PROTECT IT.

SIMILARITIES EXIST IN THE CASE OF HONG KONG, REPORTEDLY ACQUIRED BY AN UNEQUAL TREATY SOME 90 YEARS AGO WHEN HAWAII WAS ANNEXED. THE RATIONALE EXPRESSED IN THE CASE OF HONG KONG IS THAT THE CHINESE CAN ENJOY SOVEREIGNTY AND THE BRITISH WILL ASSUME ADMINISTRATION. IT IS PRESUMPTUOUS TO ASSUME THAT THE CEREMONY TO TRANSFER SOVEREIGNTY IN 1898 WAS A PROPER ACTIVITY WHEN THE OLIGARCHY THE REPUBLIC OF HAWAII WAS AN ILLEGITIMACY TRANSFERRING DOMAIN AND DOMINION BY CEDING HAWAII IN AN APPARENT QUIT CLAIM. U. S. MINISTER STEVENS WITHOUT AUTHORITY CREATED THE NON-DEFACTO PROVISIONAL GOVERNMENT WHICH WAS SUCCEEDED BY THE NON-REPUBLICAN OLIGARCHY THE REPUBLIC OF HAWAII. NEITHER THE PROVISIONAL GOVERNMENT OR THE REPUBLIC OF HAWAII HAD THE AUTHORITY BY LEGITIMATE MANDATE TO CEDE HAWAII'S ASSETS AND PREROGATIVES. THIS SUGGESTS THE REPUBLIC, BECAUSE IT COULD NOT WARRANT POSSESSION, IN EFFECT TRANSFERRED NOTHING, AS IMPLIED IN ARTICLE II OF THE RESOLUTION OF ANNEXATION IN 1898 WITH THE DECLARATION THAT, "PUBLIC LANDS IN HAWAII SHALL NOT BE CONSIDERED AS PUBLIC LANDS IN THE UNITED STATES," BUT THAT A TRUST WAS IMPLIED AND THAT FUTURE LEGISLATION WOULD BE ENACTED FOR SUCH LANDS.

VOLUME I HAS A BASIC CONCLUSION THAT NATIVE HAWAIIANS ARE NOT COMPENSABLE FOR EITHER THE TAKING OF COMMONLY HELD LANDS NOR SOVEREIGNTY. THIS CONCLUSION MAY BE ARGUED AGAINST BUT MAY BE ALSO ACCEPTABLE WITH CONDITIONS FOR TWO REASONS. THE FIRST REASON IS NEITHER NATIVE HAWAIIAN COMMON LANDS NOR SOVEREIGNTY HAVE

BEEN NEGOTIATED AWAY BY NATIVE HAWAIIANS.

A SECOND REASON THE CONCLUSION IN VOLUME I MAY BE ACCEPTABLE IS THAT THE FINDING INDICATES THAT BOTH COMMON NATIVE LANDS AND SOVEREIGNTY NOT BEING COMPENSABLE REFLECT NOT HAVING BEEN TRANSFERRED OR HAVE NO VALUE. IN EITHER CASE OF HAVING NO VALUE, OR TRANSFERRED, BOTH COMMON LANDS AND SOVEREIGNTY SHOULD BE RETAINED BY NATIVE HAWAIIANS FOR THEIR EXERCISE AND BENEFIT TO ADDRESS THEIR CONCERNS AND THEIR MANY DEFICIENCIES.

COMPARATIVE HAWAII HISTORY

In a rapid review of Hawaiian history it can be found that after Captain Cook arrived there came in 1820 the Boston missionaries and the first "Agent of the United States for Commerce and Seamen" was also then appointed. It was in 1826 that the "Agreement", sometimes called a treaty was arranged between Hawaii and the U. S.

By 1852, U. S. Secretary William Seward said, "Who does not see, then, that ... the Pacific Ocean, its shores, its islands will become the chief theatre of events in the world's hereafter?" By the middle of 1867, U. S. resident minister General Edward McCook had offered to purchase a small island in Hawaii but was rejected by King Kamehameha V. In July of 1867 the warship USS LAKAWANNA left Honolulu with its disliked Captain Reynolds, who favored annexation to take formal possession of Midway Island (Middlebrook) which is within the Hawaiian archipelago and completed the acquisition on August 28, 1867. Evidently, the acquisition was because Kamehameha V had refused to sell any part of Hawaii previously. At the same time the Reciprocity Treaty was being considered and General McCook felt it would foster American influence in Hawaii and with the death of the present King, Hawaii would pass quietly into the hands of the U. S. Zephaniah Spalding, a U. S. Secret Agent arrived at Honolulu in December of 1867, he opposed the treaty, contending that, "It was foolish to pluck a pear by force which was bound to fall when ripe into the right basket."

In October of 1867 Secretary Seward purchased Russian America or Alaska for $7.2 million and there does not seem to be any record of native protests to that acquisition under the expansionist policy. Later in Hawaii, in 1898 the natives protested the sale of Hawaii by the Republic of Hawaii oligarchy for nearly $4 million during the annexation.

In 1872, U. S. Army General Schofield arrived in Hawaii supposedly as a sightseer. Actually he was under confidential orders from the Secretary of War to assess the military potential of Hawaii, especially the value of Pearl River (harbor) as a military outpost. Shortly after in 1875 the Reciprocity Treaty was finally concluded as the most significant treaty for Hawaii allowing the exclusive use of Pearl River to the U. S. in exchange for the privilege of exporting products, mainly sugar into the U. S. duty free. The Reciprocity Treaty would be renewed in 1887 to expire in 1894, or a year after the overthrow occurred. This impending situation may have influenced the use of naval forces in the overthrow of 1893. The treaty was not a sale or grant in perpetuity as often implied, nor is it clearly cancelled and has the effect of still being negotiable. In this connection, professor W. D. Alexander on March 20, 1897 made the following observation: "Cession of Pearl Harbor Conferences with Treaty of Reciprocity, the circumstances attending the cession of Pearl Harbor to the United States as a naval station in December of 1884. Showing that Secretary Bayard at that time informed Mr. H. A. P. Carter, the Hawaiian Minister, that he could discern in the amendment to the treaty, which related to Pearl Harbor, no subreption from Hawaiian sovereignty over the harbor to which it relates, nor any language importing a longer duration for the interpolated Article II (relating to the harbor) than is provided for in Article I of the Supplementary Convention." Followed by the statement, "The Supplementary Convention was ratified by the Hawaiian Government with that understanding, that the right of the U. S. to Pearl Harbor should end with the Treaty of Reciprocity. It follows that should the U. S. terminate that treaty, it can be assumed they would enjoy no more special privileges."

Warships frequently called at Hawaii. Eventually, U. S. warships were regularly stationed in Hawaii during changes of heads of government. U. S. Minister Stevens in Hawaii requested U. S. Secretary of the Navy Tracy dispatch the USS Pensacola on September 10, 1891. On June 7, 1892, Acting Secretary of the Navy Wharton acknowledged Minister Stevens request for a warship following the arrest of prominent persons in Honolulu. It was September 29, 1892 that Secretary of State Foster by confidential means itself. Reports were no longer to be by regular channels and the use of the Navy cipher was directed in case of calls for review later.13/

Several communications exist between Washington, San Francisco and Hawaii outlining the involvement of several individuals and agencies in a flurry of activity during the last months of 1892 and before the overthrow of January 1893.14/ The warship USS Boston had been dispatched on a special mission and did eventually participate in the landing of armed troops. Ironically, the descendants of Boston missionaries to Hawaii would reward their adopted homeland by employing a warship of the same name the BOSTON to subjugate it. The landed troops seemingly observed the Queen's authority and saluted her by dipping their colors while marching pass the palace, only to remain across it in the vicinity of the Government building where the abrogating proclamation was to be read the following day in a disarming but apparent ploy. Not only was the salute to the Queen disarming, but confirms contrary to Minister Stevens claims, that there was no interregnum in the Hawaiian government from January 14 through the 17th to cause the formation of the Provisional Government.

The question is what caused the sudden change in relations with Hawaii from an open to "confidential" reporting status. Hawaii was a friendly sovereign nation although a feeble one which had the Reciprocity Treaty in effect the U. S. Events were threatening Hawaii's right to exist under international law and jeopardize its citizens privileges. Hawaii did not pose a threat to anyone internally or externally.

In early January 1893 the warship USS Boston was in Hawaii as ordered and was on gunnery practice, it can only be surmissed here why gunnery practice. At the same time, the warship Boston could be said to be promoting annexation as Minister Stevens' daughter was aboard carrying a petition for inter-island circulation to support annexation. The USS Boston had received a Navy cipher message to participate in the annexation of Hawaii. By mid-January in Honolulu the "Committee of Safety" that was to read the abrogating proclamation advised Minister Stevens that, "They could not protect themselves, and prayed for protection."

The question is from what threat or what were they going to do. Minister Stevens responded by requesting Captain Wiltse land troops to protect American life and property. But the majority of the "Committee of Safety" were not American citizens. Minister Stevens reaction to the request for protection was the statement, "I think you have a wonderful opportunity." A reason given for the landing of troops was the Queen proposed to implement a new constitution and thereby was promoting disorder. And yet the Queen had already withdrawn her proposal by public announcement. It appears by precedent the Queen with her cabinet could grant a new constitution as her predecessors and the "Committee of Safety" was without authority to intervene while prematurely charging the Queen with misdeeds and while quiet prevailed in the kingdom. Conversely, the misdeeds laid to the Queen, the Committee of Safety was often guilty of itself.

The irony is that the same individual, Thurston who went to Washington in early I892 to discuss annexing Hawaii with James Blount was again the same individual, who asked the obliging U. S. Minister Stevens to land U. S. troops for protection. It is evident that the request was not for the protection of American lives and property located elsewhere on Nuuanu Avenue but more of a personal nature for those that were cited by the cabinet note as treasonous persons in the government building.

Even U. S. Admiral Joseph Skerrett was to testity later that it was unwise to locate the troops near the government building for the protection of American lives and property, as he said, "If the troops were landed for the protection of the Provisional Government forces, then the positioning was a wise move."

It is evident that Minister Stevens did not act in a void nor misunderstand the powers of his office when he granted quick recognition to the Provisional Government before the Queen had yielded with her forces. Stevens initiative is labelled an international crime for the quick recognition and led to compounding other illegitimacies. Volume I infers that Minister Stevens actions were not sanctioned by the President or the Congress. Such inference is not relevent only the results of Stevens actions are as they express an intent. Stevens acting without authority is a secondary consideration because the Harrison administration in effect approved Stevens actions, after the fact, by supporting immediate annexation. Minister Stevens enjoyed the status of an ambassador and its powers and responsibilities. The annexationists conveyed their intent to abrogate the Hawaiian government to President Harrison, the Secretary of State, the Secretary of the Navy, Minister John Stevens and even Captain Wiltse of the USS Boston. There does not appear to be any evidence that the annexationists were cautioned rather the opposite and were seemingly encouraged. As an example, without investigating President Harrison only 30 days after the overthrow of January I7, I893 on February I6, I893 sent a message to the U. S. Senate transmitting the treaty to annex Hawaii with a view towards its ratification.

As advanced in Volume I the argument that Stevens acted without authority of Congress can be acceptable. Such events where the executive act without the approval of Congress has taken place many times as in the Hawaii overthrow. In addition actions are taken along partisan lines sometimes leaving out one party. The overthrow and annexation of Hawaii appear to be a partisan undertaking. This fact may be construed from the remarks of Minister James Blount when he stated that annexing Hawaii would be a national affair and the fact that the Harrison Secretary of State advised Thurston while in Washington not to confer with the Democratic floor leader James Blount, in effect keeping that party from knowing or participating in annexation proceedings. From this it can be deduced that some members of Congress in the Democratic party might have been unaware of pending actions to annex Hawaii while members of the administration were aware along partisan lines. This may give rise to the position that Congress did not approve Steven's intervention but appears moot as the administration was aware and encouraged annexation. This further suggests the reason a Resolution was necessary to annex Hawaii because of a lack of votes influenced by party lines.

-SECTION C-

DIPLOMATIC AND CONGRESSIONAL HISTORY: FROM MONARCHY TO STATEHOOD

Chapter 15

DIPLOMATIC AND CONGRESSIONAL HISTORY

In the diplomatic section are statements that are debatable and require comment. King Kamehameha IV, Kamehameha V and King Lunalilo were all wary of Reciprocity or cession or sale of any Hawaiian lands. King Kalakaua was to submit to pro-annexationists monetary support and American pressure during his election. In the election a classic British American rivalry existed with the intervention of American interests supporting reciprocity on account of the danger of British absorption of the islands. A poor excuse because the British had twice before during the reign of Kamehameha I been offered Hawaii and later in I843 when Captain Paulet seized Hawaii the British had not taken advantage of Hawaii U. S. Senate John Morgan confessed that the Reciprocity Treaty was negotiated to secure control of the Hawaiian islands. Intervention would also be implied by Rear Admiral George Brown of the U. S. Pacific Squadron as he described how his forces presence supported the framers of the forced Constitution of I887 and the native "revolutionists" call for a new constitution were neutralized. In order to correct the inequities Kalakaua would try and so would Liliuokalani to implement a new constitution unsuccessfully. In accepting pro-reciprocity support Kalakaua would be betrayed by them when they reversed their promise not to try to lease Pearl River to the U. S.I5/

Senator John Morgan would later in I894 chair the investigating committee to examine the Hawaiian overthrow of I893. He would exhibit his bias and conduct the investigation all in Washington listening only to the pro-annexationists to find that all were not guilty only the Queen for the overthrow. The pro-annexation Morgan report findings were not unexpected inferring a "manifest destiny" and confirming Morgans earlier leanings in the initial Reciprocity Treaty negotiations. However the suggestion that the Queen in effect overthrew herself is difficult to imagine.

Even King Lunalilo would be approached, as was Kalakaua later, by sugar planters and non-native whites to arrange a Treaty of Reciprocity with the U. S. In each case, the King would do so on behalf of his Hawaiian people. The reason for this approach is not clear but may indicate that the native Hawaiian interest in the homeland was understood and their concurrance desired in the conclusion of a treaty. As it turned out Kalakaua would go to Washington personally to ask for the Reciprocity Treaty after the Hawaiian legislature approved and the U. S. Congress would receive it amiably.

In this connection, the efforts of Claus Spreckles can be viewed from at least two perspectives. He was not anti-Hawaiian but more of a competitor of the Hawaiian planters in the tradition of the American enterprise system. For this he was feared and disliked by the Hawaiian planters in the tradition of the American enterprise system. For this he was feared and disliked by the Hawaiian planters who sought to dislodge him from Hawaii. The faults laid to Spreckles many times were exaggerated and a custom of the combined planter society. However, this issue is not important to the concerns of native Hawaiians and their future.

Another advisor of King Kalakaua, Walter Gibson was also criticized for his role in Hawaii. This too, is a distracting but not important discussion. If viewed from the preamble of the first Constitution of 1840 then Gibson's suggestions of a Polynesian federation had some precedent. Europeans were still colonizing or attempting to do so at the time. In fact, Kalakaua may have slowed or foiled some of the time. Further, what better way to achieve a merging of cognate races since Hawaii's was in a sharp decline. Since the proposal would injure no one except colonizers it appears to have merit.16/ It should be pointed out a good reason for a federation was operations like the Peruvian slave trade in Polynesia which devastated villages by kidnapping and disease destroying the societies and heritage. The lesson here is the planters and their fellow travelers would oppose and decry anything that would not add to further agrandizement.17/

History now suggest that Walter Gibson may have been a better influence for Hawaii than the planters and for this threat was to be deposed by them and persecuted. Woe be to anyone who supported the native interests. Gibsons suggestion that the special favors granted under the Reciprocity Treaty of 1875 be to all nations was essentially what King Kamehameha IV attempted through his common treaty making efforts to have all nations respect Hawaii's independence, it was not a new concept. Gibson would be condemned by the U. S. Minister Comly ingratiated by the planters. Minister Comly preceded Minister John Stevens who also proved to side with the planters by providing assistance in the following overthrow of 1893. It appears as if the odds were stacked against the native Hawaiians receiving fair treatment in each case. Celso Moreno and Gibson would work towards establishing a Polynesian kingdom. Hawaii was already one and progressing rapidly in the development of her government.18/ This would provide guidance and extension of the beneficial concepts of constitutional government in relations with foreign powers. Unfortunately, this was not to be as exploitation under such conditions would prove difficult.

Chapter 16

KALAKAUA AND RECIPROCITY

It seems the Gibson suggestion on the Reciprocity Treaty would address the fairness doctrine because the planters had assured Kalakaua they would not seek to lease Pearl River to the U. S. They in fact did forward such a proposal in Kalakaua's absence and Secretary of State Hamilton Fish in secret session did "slip" such a clause into the treaty.

In that connection if Kalakaua did not lease Pearl River why should he sell part of the kingdom? He had not offered to and there is no record since. This indicates that the projections that he might on a world trip were suppositions probably designed to discredit him by his initial backers but who now found him a liability with his bent on restoring culture.

The $10,000,000 loan to finance the king's army and navy were threats to the planters long range plans and therefore, opposed by them through Representative Castle.19/ Castle's reasoning in opposition is debatable. A review of the record shows that there were handsome profits tilling the soil using the original cheap "kanaka" labor and influenced the tremendous expansion of the number of plantations. Although, dividends were high, taxes were kept artificially low. In the unique tax system more money would be spent on the police force than education. The practice was to reward the obliging and punish the dissenting by the use of police. In fact, taxation was borne by the general population as a whole, through school, road, poll, and excise taxes. The controllers of Hawaii's wealth did not agree that much money should be in the hands of government for public uses.20/

Had the proposed loan been made it probably would have forestalled annexation and been a better arrangement than the sale of Hawaii's assets for nearly $4 million in 1898. The sale or transfer in 1898 only benefitted a few in the oligarchy. The $4 million suggests that taxes were not being paid and costs were escalating. Among the costs were those said to be bankrupting the incumbent government using a standing "army" to police native Hawaiians and subjugate them up to 1900.

Kalakaua's world trip was in essence an effort to carry out his pledge to his planter supporters in the election of 1874. His administration would appropriate $1.3 million to encourage immigration and to explore ways by which peoples from other countries could be brought to Hawaii to help reverse the population decline. Unfortunately, merchants and planters during a Kalakaua absence insisted on landing immigrants carrying small pox resulting in an epidemic to leave 282 native and non-native dead. Social caring was not a planter virtue and other incidents of landing diseased immigrants prevailed.

Events leading up to the establishing of "Cabinet Government" under the Constitution of 1887 are said to be precipitated by Kalakaua's efforts to form a Polynesian confederation mainly and the opium license problem second. Opium was an unregulated problem and the effort to bring it under regulation seems proper. It is noteworthy that it was the legislature that passed the opium bill first, and perhaps for good reason. All business enterprises of any worth were financed by plantation money no other money was welcome and this would apply to the opium trade. It was clear that a practice was to maintain a plantation store for the workers, yet the prices in the store contra-credited to a worker's wages often kept the worker in debt. This condition would leave a rich field for small merchants to fill by deserting the plantation and was a reason for their growth and the need to import more labor. It is known that the "planters" traded in opium when it came into their possession and suited their purposes. Kalakaua's independence of action seemingly "set him up" for scandals like the opium charge and if monies were provided for would be a small price to pay to discredit him and require a change in government. An action that would occur under the implementation of the Constitution of 1887 and demonstrate the aggressive character of its framers. But the opium charge would be used again against Liliuokalani to provide for another change in government. Although the second time the legislature by the House of Nobles were really the power and Queen Liliuokalani was only a figure-head. The rationale seemed to be it worked once why not again. On the other hand, the Queen was again charged with fostering the opium bill and dethroned the same framers of the Constitution of I887 twice demonstrated their aggressiveness and lack of social caring.

It should also be noted that the Queen was also charged with promoting the lottery bill. This too, was passed first by the legislature dominated by the House of Nobles or planters but the blame was shifted to the Queen. Lotteries have a way of surfacing and appearing to be a solution to financial problems like those experienced in the Queen's year of I892 under the depressing McKinley Tariff Act. It can be surmissed that the McKinley Tariff Act was the instrument that fostered annexation. This conclusion is reached because the Reciprocity Treaty had been renewed and was in place for just that purpose, to encourage "free trade" and eliminate taxes on exports to the U. S. What would be the Queen's options in a depressed economy, if revenues were important, and the Queen was aware that the legislature could in any event override her veto by a two-thirds, as happened to Kalakaua early in his administration under the Cabinet Government of the Constitution of I887. It appears many of the charges against Kalakaua and Liliuokalani or any native supporter would be formented and enjoyed by the planters using the ploy of a "smokescreen." Additional native supporters who would suffer under this tactic included Gibson, Moreno, Green, McFarlane and even Klaus Spreckles. Spreckles charged for being a monopolist, and yet, what the planters intended on becoming themselves. Subsequent history confirms this trend when the planters made large accumulations of lands to dominate and exercise social, economic and political control of Hawaii so foreign it was a wonder it could exist under the American system.2I/

During these many events native Hawaiians generally received poor press contrary to Volume I COMMENTS ON page 269 that the ADVERTISER was pro-Hawaiian. The newspaper in an editorial of I884 said the U. S. did not want Hawaii, a misleading remark if the comments of Senator Morgan are to be considered, who confessed the Treaty of Reciprocity was negotiated to secure political control and make Hawaii industrially and commercially a part of the U. S. Moreover, the ADVERTISER attacked any suggestion that the Home Rule Party and native Hawaiians were fit for any self government. Even the San Francisco Chronicle in I887 noted the lack of native support by the ADVERTISER to relate the actual facts in Honolulu.22/ The case is amply stated as, "the freedom of the press of Honolulu is a myth under the Reform Party, and the man who looks for the facts in the Honolulu journals will not find them."

Kalakaua commissioned the Honolulu Rifles in I884 and was to be also betrayed by them and their commander Volney Ashford who advocated assasinating Kalakaua. In I886, the secret HAWAIIAN LEAGUE of about 400 mostly non-Hawaiians formed to forcibly dethrone Kalakaua. The LEAGUE led by Sanford Dole, Lorrin Thurston and W. R. Castle published the intention to dethrone Kalakaua employing armed might. This incident labels the LEAGUE and its leadership radical and semmingly set the foundation of the oligarchy to follow. An examination of the previous I864 Constitution in place reveals that in Article 80 there were ample provisions to ammend the constitution. Sometime after the formation of the LEAGUE as a secret organization Volney Ashford concluded an alliance with the LEAGUE to become its "military arm." Records are scant, for good reason, for the acts to be committed but those records appear biased and not totally reliable. What judgements have to be made should depend on the final outcome.

Relative to that the objective of the LEAGUE was, "constitutional, representative government, in fact, as well as form, in the Hawaiian Islands, by all necessary means." What emerged was the anti-thesis of the objective. First, the implementation was not constitutional and provisions were in the operating document. Second, representative government it would not become by catering to the monied minority. Third, the objective alluded to and condoned the use of force. The constitution largely drafted by Thurston gave the legislative powers to the planter backed House of Nobles while denying the majority of natives voting privileges. The King became a figure head while those of European descent but not Hawaiian or Asiastic could vote. The objective of the LEAGUE was finalized as the Constitution of I887 or the "Bayonet Constitution" and was and is rejected for its form and implementation. Rejected because it was not ratified.23/

On the contrary, there was American involvement direct and indirect. Admiral Brown's warship presence was not a direct, but deterrant to native change. The U. S. State Department ordered Kalakaua to desist from all inflamatory acts in other territories. As far back as the Kalakaua I874 election and support of the American community for the first Reciprocity Treaty, as a political arrangement, surely, those citizens had the concurance of their government in the endeavor. Because Kalakaua was being viewed as errant and hostile to renewal of reciprocity his power must be reduced or he removed from office. Either by dethroning or possibly assasination. In addition, while Kalakaua opposed leasing of Pearl River the non-native planters offered to cede Pearl River and the Secretary of State grabbed up the offer to "slip" it into the renewed treaty binding Hawaii under its terms. Not to be overlooked are the confessions of Senator Morgan, to say, "The Treaty of Reciprocity was negotiated to secure political control of Hawaii."24/

It is of interest to note that Sanford Dole an original member of the Hawaiian league, describe the allied Honolulu Rifles as being young men of Honolulu. There was a problem with the compensation for the commander of the Rifles and the question is, who was supplying funds to the Rifles to oppose the King Kalakaua. In this connection, U. S. Minister Merrill reported back to Washington that there were loud complaints against the Kalakaua regime for the expenditure of public funds. More funds were being spent on the Samoan expedition than on necessary improvements to the harbor, roads and bridges. Kalakaua would continue to suffer being discredited when in fact the kingdom was enjoying unparalleled prosperity but it was all part of the grand scheme that the planter reformers were the great saviors.

Measured by the record Kalakaua did carry out his initial pledge to improve the lot of the entire kingdom. Although, Kalakaua hardly responded to his critics, who were obviously biased non-Hawaiians prone to print volumes of history to explain away their "morally righteous" positions. However, there are evident cases of bigotry in those positions. Perhaps Kalakaua felt history would vindicate him and need not respond to his critics. Yet Kalakaua appropriated $I.3 million for immigration to assist labor and population needs, personally negotiated for and finally consummated the Reciprocity Treaty, encouraged an increased volume of shipping, assist the start of a railroad system, support the tram car system, inaugurated telephone communications, upgraded mail services, initiated harbor improvements, established a first savings and loan association while generally making millionaires of the planter businessmen. Kalakaua built the much criticized Palace which only now can be fully appreciated. He encouraged music and culture for the lasting enjoyment of the peoples of Hawaii. For all of this, in the end, he would be betrayed for possessing the same human characteristics of his envious detractors. Kalakaua would be humiliated, threatened with assasination, forced to surrender his prerogatives and in so doing disenfranchise his native people.

Although a review of the Kalakaua period will show he left these many legacies to his and all of the people of Hawaii for continued enjoyment. In his trials, on the balance it can be asked, and what did his critics leave? Perhaps, an old sugar mill to remind one of past unpleasantries. That unpleasantness of extremely harsh treatment of working all day under the blazing sun and in the driving rain. The brutal supervision of a field boss whipping everyone. And the perpetual fear of this unbearable whipping to cause workers to commit suicide by hanging or jumping in front of a moving train.25/

It seems Kalakaua has been finally vindicated by history although, he faced formidable odds in those who directed and forced Kalakaua to reign and not rule.26/ They then became themselves the "white chiefs" and rulers of Hawaii under the oligarchy thereafter.

Chapter 17

LILIUOKALANI AND CABINET GOVERNMENT

An interesting aspect of the proposed Queen's Constitution of 1893 was that it paralleled previous changes of the constitution. For instance, the first Constitution of 1840 was a grant from the king and agreed to by the Nobles with the provision that any additions or alterations would be agreed to by the Nobles and the Representative body. The king is reported to have reserved the right to abrogate his constitutional grant. With that view in mind the king appointed a committee in 1851 to review the Constitution of 1840 and to design principles necessary for the preservation of the monarchy. Pointing out he had voluntarily granted the Constitution of 1840 the king granted a second constitution on June 14, 1852 with the consent of the Nobles and Representatives of the People. The second constitution revised the first as the king stressed he had freely given up much of his territorial rights to the injury of his private revenues in the division of lands. It was further declared that the legislative body so assembled shall be styled the Legislature of the Hawaiian Islands.27/ In these activities the king identified and confirmed his prerogatives. Some of which future sovereigns would uphold. It is especially important that the system of polity under the founding Constitution of 1840 be observed to assure, that all documents of the kingdom are prepared by the sovereign and no others. Such a provision would negate the Constitution of 1887 written by Thurston as well as the Constitution of 1894. On the other hand, the proposed Constitution of 1893 prepared by the Queen would conform to the original system of polity declared by the founders.28/

It followed that on August 24, 1864 King Kamehameha V proclaimed a third constitution with the explanation:

Chapter 18

SYSTEM OF POLITY

The debates which were lately had in this place, resulted in much good. The principles upon which the Throne and the political system of this country are based were fully discussed for the first time, and My people have, as a consequence, been confirmed in their belief that a Monarchical Government holds out to them the only guarantee of a permanent independence. In calling a National Convention, I was influenced by a firm conviction of its being necessary that the system under which a people lives should be strictly adapted to its genius and traditions. The Constitution granted by King Kamehameha III, in 1852, had undergone several amendments, and other changes had been proposed but remained in abeyance. That Instrument continued, in many important respects, to want the adaptedness to which I refer. The right to the Throne of this country, originally acquired by conquest and birth, belongs hereditarily to the family of Kamehameha I. The Constitution of 1852, by its ninety-fourth article, left the heir to the Throne free to take an oath to support that Constitution or to decline to do so; and its forty-fifth article reserved to the Sovereign the right to conduct personally, in coöperation with the Kuhina Nui, but without the intervention of a Ministry or the approval of the Legislature, such portions of the public business as he might choose to undertake. These anomalous provisions appeared to me to need alteration—for such, as I have stated it, was the construction always given during the late reign to those two articles; and that they were also so understood by King Kamehameha III, could be proved by abundant evidence. Indeed, he would not have signed the instrument unless he had been assured that such was the intent and meaning of the forty-fifth article. By the authority inherent in myself, I called the late Convention to remodel the Constitution, and the powers belonging to such a Convention have never been disputed. On the contrary, this right of revision by such a method had been distinctly referred to by my Predecessor in his speech from the Throne, delivered on the second day of April, 1859. But the Convention, when assembled, was found to contain elements antagonistic to those very ideas of improvement which I had hoped they would have assisted me in carrying out. On the thirteenth day of August I dissolved that Convention, and on the twentieth day of the same month, by virtue of the same sovereign power which was exercised by King Kamehameha III, in 1852, I caused to be proclaimed a new Constitution, which I believe to be better adapted to the wants of the people. Under this Constitution you are now assembled. The changes made were recommended by the experience of twelve years, and a provision for further changes leaves open a door for any other improvements that the future may suggest. I here repeat what I said on the thirteenth of August, that when the people, through their Representatives, shall express a desire to meet me in such a convention as the one then dissolved, I shall cheerfully accede to their wishes.

Chapter 19

QUEEN'S RESTORATION

By these activities it appears as if the king had clarified the compact between himself and his subjects.29/ This meant the system of polity identified under the Constitution of 1840 together with the cited forty-fifth article was the basis of Hawaii's constitutional government. It follows that the drafters of the Constitution of 1887 did not have the authority to do so as Kalakaua apparently understood when he was forced to sign it with minimal protest. It is likely the non-Hawaiians who sought to prevail were unaware or ignored these constitutional provisions and proceeded to implement another constitution in 1894 also without authority. Meanwhile, the constitutional sovereign (Liliuokalani) had attempted to institute a Constitution in 1893 by the authority vested in her office. She was to be frustrated by U. S. troops that intervened without authority, it is assumed. The intervention was to deprive the Queen of her constitutional authority and it was directed that she be given back that authority and restored. This has not been done and the process is held in suspension at present. Even U. S. President Cleveland recognized Queen Liliuokalani as the constitutional sovereign when he directed her restoration.

The question is, why was not the Queen restored in orderly fashion as President Cleveland sought? The larger reason was what was to happen to the insurgents who had dethroned the Queen and seized the government. The Queens' account of an interview with Minister Willis denies she stated she would behead her adversaries, and alludes to a third party having written the beheading statement. Minister Willis' account contains the statement that the Queen said she would behead her adversaries. It appears to be the Queen's word against Minister Willis. It must have been fresh in the mind of the Queen of the planter Reform party threat in 1887 by some to hang Walter Gibson. It was the Provisional Government Military Commission in 1895 threatening to sentence by hanging six

Royalists loyal to the Queen. The preferred method of punishment was hanging and the earliest account tells of hanging the chief Kamanawa in 1835. So it was hanging for punishment and the claims against the Queen are suspect, although she may have used beheading as a euphanism. But no capital punishment would be carried out in either case, because the U. S. would not permit it as evidenced in the 1895 incident involving the Royalists. So in effect, the suppositions about the Queen were premature and she was prejudged another time. But was this affair reason enough not to restore the Queen's constitutional government? When Cleveland turned the matter over to the Congress and Senator Morgan chaired the report it degenerated into a political "football." Even the members of Morgan's committee were to disagree and file minority reports as Morgan found the Queen solely guilty of the overthrow. The Queen unbelievably had overthrown herself, not Minister Stevens without authority. Was that reason enough not to restore her government? However, the largest issue is, does the welfare of a handful of adventurous men outweigh the welfare of a nation of native Hawaiians? It would seem that in a republic these concerns are found in favor of the constituency. Since no punishment took place, the issue of beheading is not central to native Hawaiian concerns, recognizing that capital punishment in any form is repungent. Further no punishment will ever take place as all the participants have demised, at the same time native Hawaiians have patiently waited 100 years to correct breaches of their constitutional government. Correcting the breach came within a fraction of success and hanging in the balance to be judged in the publics eyes is whether or not wrongdoing will be rewarded.

STEVENS AND OVERTHROW

Volume I attempts to discuss Minister Stevens' role by stating he did not openly oppose the Queen nor offer aid to the insurgents. This is not correct.30/

First, it should be remembered that the individuals in the Reform Party had just lost the election indicating that their views were not popular ones to the electorate. It can be viewed as retaliation when the secret Annexation Club formed the Committee of Safety chaired by American Henry E. Cooper. The first order of business was annexation to the U. S. This was not a popular view as per the election. The committee would ask for assistance of Minister Stevens for protection of life and property although the majority of the committee were not American citizens. Peace and calm prevailed and there was no threat to American lives and property. A subcommittee member L. A. Thurston inquired of Stevens what are the requirements for being the "existing government." Stevens informed him that whatever government was "actually in possession of the Government building, the executive departments and archives, and in possession of the city, was de facto, proclaiming itself a government. All of these conditions did not occur.

It is interesting to speculate why the committee did not use its own armed might spoken about by the Hawaiian League in I887 to coerce Kalakaua into signing the Bayonet Constitution. Had they disaffected if they ever existed? Volume I continues that the committee was assured of seventy-five men while other more knowledgeable sources place the figure at twenty-five men, deserters from ships in the harbor and men of desperate character.3I/ In that connection the HAWAIIAN LEAGUE and the ANNEXATION CLUB as secret organization probably used exaggerated numbers to give the appearance of wide support. Actually, the numbers in these organizations were probably closer to those visible, didn't mind not being secret, and that was the secret.

Volume I misrepresents certain events often repeated. To say the royal government did not break up the committee's movements are not correct. While arranging for the "mass meeting" marshall Wilson called upon the plotting insurgents to advise them to cease plotting against the Queen. To arrest them would have been before the fact but the response was more revealing, as they would ask for the immediate landing of troops to protect them, as they were unable to defend themselves. The request now changes from "protection of life and property" to "we pray for protection because we cannot defend ourselves." Contrary to Volume I Minister Stevens does assist them and lands troops. The "mass meeting" has been estimated at various numbers, but those quoted by the committee would tend to be like others, exaggerated. This meeting of doubtful validity, for what numbers of it would enjoy the franchise of voting, appears to be the sole authority to dethrone the Queen, and the committee proceeds.32/

Volume I states the "committee" sought to delay the landing, which indicates there was no ongoing unrest as claimed. The delay was to be established and recognized before the troops landed. For 25 to 75 men to acquire control of the city defended by hundreds of armed government troops with cannon makes the committee's objective an improbability. Closer to the fact, the committee was not ready yet, but would eventually select the American Henry E. Cooper to read the dethroning proclamation. An American was selected to read a dethroning proclamation to dethrone a constitutional sovereign in her own kingdom, and with good reason as will be seen.

Meanwhile, Minister Stevens, who wrote to Secretary Blaine, "the only true card is annexation" and has generally done much to achieve it, even to having his daughter circulate petitions in the outer island favoring it, is impatient and does not approve of the committee vascilating. He lands troops at the specified time and members of the committee, Thurston, Castle and Wilder promptly leave for their homes and sick bed. Stevens is aware of Thurston's earlier declaration to seek annexation and the method to be used to carry it out. He should be aware of the Annexation Club's goal. The Committee of Safety objective stated as, "the sense of this meeting is that the solution of the present situation is annexation to the United States.? And lastly'the sanctions of the "mass meeting" to dethrone the Queen. These events are matters of record and Stevens lands troops to assist for a special reason. And the reason is why the royal government could not break up the movement.33/ When Henry Cooper was selected to read the proclamation as an American he would be protected by American troops. In fact, Stevens said to the Hawaiian cabinet inquiry, "in case of the American's arrest the troops would intervene," there appears no way to have stopped the reading of the proclamation or breaking up the movement, with the power of the U. S. committed by Stevens to insure its success.

Henry Cooper reading the proclamation under the guns of the troops nearby to protect him was done "secretly", lacking acclaim and less than honorable. There were few supporters present and reportedly only a lone gunman initially. The committee was surprised that the U. S. troops did not closely attend the reading to protect them from harm, as had been expected and ensured their presence.

Chapter 21

STEVENS QUICK RECOGNITION

After the reading of the proclamation Stevens was to quickly recognize the new government without the conditions of a de facto government being met. An obvious reason was to establish a new government supporting annexation. But there appears another reason, now that the dethroning proclamation has been read, how can it be implemented. There seem to be insufficient men and troops to oppose up to 500 government troops at the police station under marshall Wilson. The committee lacks popular support and troops which places Wilson in the position of settling past differences. Wilson refuses to surrender and with good reason because the American troops are unlikely to attack the police station. On the other hand, if by some manner there is a collision between the committee's forces and Wilson's troops some reports of the period furnish insights. The records reflect that 272 men were in the barracks and 224 were at the station house with fifty stationed at the Palace. All of these men being equipped with fourteen pieces of artillery, 386 rifles, and sixteen revolvers.

Testimony of Mr. Wundenberg asserts that the insurgents (committee) of the Provisional Government acted upon the basis of Stevens promise of support; that without the U. S. troops it would have meant death to all. Other statements indicated, had not recognition been accorded so soon by Stevens, the Royalists could have put up a good fight with tragic results. This fact, is perhaps, the real reason for quick recognition. Even U. S. Lieutenant Lucien Young admits the Royalists could have won out. Lt. Young asserts it is extremely doubtful the insurgents could have taken the government building or Palace. Young also indicated that if Marshall Wilson with 500 armed men had been permitted to carry out his plans, the Provisional Government forces would have suffered severe loss of life. In spite of exaggerated claims the real reason for the quick recognition was to save the persons who had plotted against the Queen and lacked popular support, no other conclusion seem evident.

Wilson refused to surrender, he had no reason to appreciate the committee. How could this be handled even after Stevens gave quick recognition. Cleverly, the Queen was prevailed upon by S. M. Damon to surrender with her forces and the U. S. would arbitrate the matter. But the Queen would almost be betrayed when S. B. Dole, head of the Provisional Government claimed that Damon had no authority to make the Queen such an offer of arbitration.34/ When the Queen surrendered and her troops turned in their arms the committee's goal had been achieved. Now how would the goal be retained.

Quick recognition by Stevens overlooked the fact the Queen had not surrendered and that her army was still intact which suggests why Stevens had acted so hastily to minimize almost certain confrontation.

By quick recognition Stevens committed an international crime in recognizing a small faction which had neither the support of the majority will, nor a vestige of armed control over the country.

It is difficult to understand how Stevens would claim the insurgents were, "complete masters of the political and military situation," when he would receive the same day January I7, I893, from Dole, Chairman of the Executive Council of the Provisional Government a request which speaks for itself. Dole explained, "We are not actually yet in possession of the station house, where the Queen's troops were, but as night is approaching and our forces may be insufficient to maintain order, we request the immediate support of the U. S. forces, and request the U. S. forces take command of our military forces." This request, which was honored, caused the solicited British minister Wodehouse to question curtly, "I found it necessary to ask the Provisional Government officials, if they were the de facto government, why it was necessary to bring foreign troops on the soil?" This question U. S. Lt. Swineburne, who was present, could not answer. Two days later on January I9, I893, Captain Wiltse of the USS Boston, congratulated the new government and inquired how many of his troops he should keep ashore to aid the Provisional Government.

Stevens' premature recognition was in direct contravention of international law, for it meant intervention and formentation or rebellion by a minister against the Government to which he was accredited, again, as an agent of the U. S.

It is evident that Minister Stevens did not act alone in the overthrow and in the great haste breaches of international conduct and war was committed. It can be contended that Stevens acted without authority but how then do following breaches of law occur? Stevens acting without authority does not fully answer the President Harrison administration approval by forwarding a Treaty of Annexation to the U. S. Senate almost immediately and without any plebiscite.

The use of troops compounded illegitimacies. If Stevens had no authority to intervene, but did, then neither did the Provisional Government and no negotiations should have been carried out between it and the U. S. because Stevens created it without authority. Yet it can be found that negotiations were carried out with the Provisional Government. This activity raises a serious question. What was the Provisional Government? The Provisional Government acted as a surrogate.

By the landing of troops, in a warlike act and occupying Hawaii in I893, native assets were seized. The native constitution identifying these assets remains suspended and none of these actions have been refuted. It can be assumed that the warlike conduct initiated by occupying troops exists today because the assets seized of natives remains denied and no settlement has been realized.

On the same day, January I7, 1893, Minister Stevens effectively created a protectorate when he raised the American flag with troops ashore which only protected adventurous insurgents. Stevens recognition of a non de facto government is clear evidence of illegitimacy in a system that has to suppress a nation and people who enjoy the majority support in government as did native Hawaiians in I893.

Chapter 22

PROVISIONAL GOVERNMENT

What the Provisional Government created for support hereafter were several organizations of clubs and leagues, these groups yielded enough power to intimidate the new government into removing Hawaiians and Hawaii born subjects from government service to place themselves. Hawaiians lost their jobs and status. The new government was weak and did not have full support so turned to other means of support.

The natives and foreign Royalists were all disarmed and arms were distributed to aliens, who were purported to threaten the peace of the community. Such an incident is demonstrated by the Provisional Government's police department relative to complaints. A citizen petitioned for a peace bond from the armed aliens threatening violence. Anyone not with the annexation movement could expect little cooperation as in this case and the petition was ignored. At the same time it was charged that public funds were being expended for maintaining an armed force composed entirely of aliens, which was not necessary, but was reducing the treasury. The impact on the treasury was partly reflected in the substantial jump in cost of government after the overthrow and up to annexation. Such costs were included in the nearly $4 million paid by the U. S. to liquidate the debts of the new government in the annexation and also included those monies spent for specific interests. It is apparent that when Hawaii was eventually sold for nearly $4 million that amount would include the costs of policing native Hawaiians who remained in subjugation until after the weak Republic of Hawaii could effect annexation.35/

The use of mercenaries was described; that a dozen armed aliens that were paid by the conspirators of the new government and were desparate characters who invaded the government building on January I7, I893. Some were deserters from ships in the harbor and was a very small force. With the eighteen men who signed the abrogating proclamation there was only a handful who would take over the Hawaiian government. In the process the Queen lost her throne, power and revenues. The people mean while lost their dearest liberties and civil rights, many their livelihood and eventually would lose their nationality and country due to Minister Stevens actions.

President Grover Cleveland in his December 18, 1893 message to Congress, reasoned the Provisional Government was not a legitimate and de facto government. (App. I) The U. S. House of Representatives in the McCreary Resolution also found the similar status and voted so by a large margin. (Exhibit I) In both cases the Committee of Safety or the Provisional Government was not de facto nor de jure.

It was on December 26, 1893 that Hawaiian minister Carter was informed that the American minister had advised the President of the Provisional Government that the President of the U. S. had determined that the Queen had been illegally deprived of her authority and such authority should be promptly restored. (Ex. "M") President Dole of the Provisional Government responded that the President of the U. S. had no standing in the matter as the new government was an independent country and would oppose any change. This action overlooked the fact the Queen had capitulated to the U. S. and not the new Provisional Government and it owed its existence to the U. S. Dole exercised curious conduct at times. Yet Dole, as a justice of the Supreme Court committed even more serious errors when he resigned his post to assume the lead of the new Provisional Government at the urgings of L. A. Thurston. Several insurgents enjoyed Hawaiian citizenship and were sworn to uphold the laws of the kingdom. Because of these serious breaches the President of the U. S. did not insist on the restoration of the Queen and any punishment for offenses against the Hawaiian government was avoided. This decision served to keep native Hawaiians in subjugation while their interests were proliferated and assets diminished by those placed in power by actions of agents of the U. S.

Dole would be finally awarded the first governorship of Hawaii with vast powers, greater than any state governors, only to form an administration fraught with malfeasance, fraud, and theft. Not only did Dole commit serious offenses against natives but he seemed to be rewarded for them. The Dole Land Act of 1895 was to harm Hawaiians and to disquise and proliferate their common lands. Under Dole a section in the new Constitution of 1894 provided for annexation, opposed by the majority of Hawaiians. Dole frequently did not act as his own man and served in an intermediary capacity.

Chapter 23

DARWINISM AND RACE

There are questions of race and the impact in Hawaii regarding the overthrow of I893. In the I854 annexation negotiations, Hawaii was not welcome into the union as an equal state with a large native Hawaiian population. It was in I887 that the sugar planter said, "I have an exalted idea of the destiny of the white man and of his power to control and govern both men and elements." This was followed by the admission from sugar planters in the Reform Party that discrimination did exist, due to "condition," which referred to property ownership. But race became an open matter when white planters in the Reform Party denied poor Hawaiians a vote but those of American or European parentage could vote. In I893 "race baiter" Sereno Bishop attached Queen Liliuokalani as the offspring of a negro bootblack. In I900, Robert Wilcox, a part Hawaiian was opposed from assuming his elected seat as delegate to Congress by Governor Dole, who had been recently appointed. Meanwhile, there were statements made that native Hawaiians were irresponsible and, "If color is to rule and American territory the color will be white." The controlled newspapers violently opposed the so-called Hawaiian bloc vote. It was in I903 that delegate to Congress, Prince Kuhio reported that the white Reform Party of sugar planters did not want any "niggers" in the legislature. In I930, U. S. Admiral Sterling proposed that Hawaii be put under a commission form of government as Hawaiians were not fit for self government and there were many native hoodlums lurking about threatening white women. This was the result of the infamous Massey Case trial and the arbitrary slaying of a native Hawaiian.

Darwinism had become widely accepted in the U. S. and was readily accepted by the "elite" in Hawaii, with the expression, "the decay of aboriginal society, is inevitable due to the process of survival of the fittest." Hawaii's polyglot population was also an issue during the statehood quest and up to I959. Race has always been an issue as for example there were eighteen white men who signed the proclamation to abrogate the legitimate Hawaiian government in January 1893, there were no natives signing that proclamation.

Chapter 24

SUBJUGATION AND PROLIFERATION

With the landing of troops and the raising of the flag to protect the insurgents natives were subjugated and unable to protect their interests. So when the troops landed already some I.9 million acres of land was privately held. Then in the next period up to the annexation of I898 some 500,000 acres were disposed of by overreaching, fraud and sales of favoritism while natives were held powerless to oppose. By the time the section in the Constitution of I894 to promote annexation was addressed only some I.7 million acres remained to induce annexation, which occurred.

This is the area where the Native Hawaiian Study Commission can examine for correction. How could such a government without mandate transfer I.7 million acres of common property. A non-Republican government would be contrary to the dictates of the U. S. Constitution but such a government was established with the use of U. S. troops and agents. There seems to be a responsibility to correct such activities.

If the transfer of Hawaiian assets were a quit claim and to be addressed as stated in the Resolution of Annexation, Article II, that declares Congress will legislate for at some future time, the time may be now. The oversights of the Admissions Act of I959 should be reviewed to determine the right of the native Hawaiian to his ancestral lands as opposed to the state.

Chapter 25

LANDS AND POLITICAL CLAIMS

While some I.7 million acres had been conveyed to the U. S. in the Resolution of Annexation to complete annexation, land sales were continued in Hawaii and prompted President McKinley to issue Executive Order No. 2 to cease land sales as the title to lands in Hawaii supposedly rested with the U. S. (attached as Exhibit J)

Disposal of lands first transferred in I897 have not stopped and today there remains some I.3 million acres of land in which native people have the option to request partitioning.

In addition to President Cleveland's message to Congress (App. I) and the McCreary Resolution (Attached as Exhibit I) there are several more accounts to warrant addressing the compounded offenses of the Provisional Government. In I976 the U. S. Senate in its deliberations found that a wrong was committed in Hawaii in I893 by acting favorably on S. J. R. 155. This finding may be related to the Congressional Research Service Report of I973 (Attached as App. II). This report points out that native Hawaiians like Alaskan natives can identify a land interest by previously declared intents. In the S. J. R. 155 hearings an argument by Neil Levy also points out a case for reparations for native Hawaiians (Attached as App. III).

In 1977 a claim for the Crown Lands was made on behalf of the descendants of Princess Theresa Owana Kaohelelani Wilcox based on two House Bills and two Senate Resolutions introduced to compensate the Hawaiian natives for loss incurred by them in the U. S. participation in the overthrow of the legitimate Hawaiian government. This action was brought relative to the principle that the use and benefits from real property cannot be deprived without just compensation. (U. S. Constitution Fifth Amendment). (Attached as App. IV)

A case for Reparations for Native Hawaiians has been made by Karen N. Blondin as a legal comparison to other native American cases. (Attached as App. V)

It is noteworthy that interest in Hawaii covered many years. U. S. secretary of State Blaine wrote in the 1880's that, "the position of the Hawaiian Islands was the key to the dominion of the American Pacific and therefore, demands neutrality or an avowedly American solution would be sought." On August 7, 1854, U. S. diplomatic agent to Hawaii, Gregg advised U. S. diplomatic agent to Hawaii, Gregg advised U. S. Secretary Marcy he had received approval to cede by treaty, the kingdom of Hawaii to specifically become an equal state in the American union. Following, in compensation to all who may suffer or incur loss consequent thereon, the U. S. shall pay the aggregate sum of $300,000 annuity. In this case, it is clear that sovereignty does have a value and at least the rulers of Hawaii could expect some provision as compensation for the surrender of their political position.

After the overthow of 1893 the Harrison administration also held the view that there were "political claims" in Hawaii the U. S. ought to liquidate. The Annuity first proposed in the 854 treaty was reviewed and the government in Hawaii further legislated such a provision for the ex-Queen. The Harrison Administration was to offer that the ex-Queen might be extended $20,000 annually for her lifetime. Eventual opposition in Hawaii led to the ex-Queen receiving nothing and the issue has remained unresolved. Acquisition of Hawaii was desirable by any means, purchase or cession or some form of compensation. After annexation was completed in 1898, President Cleveland was to say, "Hawaii is now ours, that I am ashamed of the whole affair."

It is clear in two cases that sovereignty and authority are valuable and compensable in spite of the Draft Report of the Native Hawaiian Study Commission stating otherwise.

Subsequently, native Hawaiians have been recognized as native Americans and eligible for certain privileges. It is expected that native Hawaiians have the same land interests as other which would be compensable, only that native Hawaiians may have a clearer case in as much as their lands were converted from aboriginal title to fee by the Mahele and Kuleana Acts with lands awarded and recorded to some as precedents and awaits further partition from the common lands in aggregate.

In 1982 the Office of Hawaiian Affairs (OHA) through the Native Hawaiian Legal Corporation submitted a report on the compensability of native Hawaiian sovereignty and lands. All arguments point to a compensable claim for denial of sovereignty and political exercise with land benefits. Counter arguments assert that sovereignty and ancestral lands are not compensable, which may imply that each has no worth. Such being the case, native Hawaiians should be encouraged to exercise their own self determination and utilize their own prerogatives. (Report attached as Exhibit K)

Chapter 26

SETTING THE STAGE

In the Setting the Stage portion of Volume I (pg. 299) the statement that Blount did not inverview the Committee of Safety members, who sought to curry his favor, are disputed by other records. He did in fact interview them, some of whom made false statements that are in the record.36/ As for complaints, slanting their testimony, only confirms that indeed he did interview them, although the results were not to their liking. In this case Volume I mis-states the facts.

An examination of the Blount and Morgan reports of the overthrow in 1893 of Hawaii which reached nearly opposite conclusions can be explained. Blount spent 4 months in Hawaii on the scene interviewing scores of witnesses of both factions to produce a lengthy nearly 700 page report while endeavoring to remain scrupulously neutral. His observations are not only closer to the facts geographically but also factually. He recommended restoration of the Queen and her authority. Morgan conducted his investigations in Washington thousands of miles from the scene. He took the advice of the annexationists in Washington for that purpose. Morgan in questioning witnesses mishandled them.37/ The Morgan committee disagreed with him and filed a minority report. Morgan did not have the qualities of an impartial chairman. He believed in the "manifest destiny" approach. He exhibited his clear bias in the Reciprocity Treaty proceedings to say the treaty was concluded to gain political control of Hawaii. His findings in his report only confirmed his previous views. Consequently, Morgan found the Queen was guilty in the overthrow. Contrary to Volume I the truth does not lie somewhere between the two reports. Either the Queen is guilty of causing troops to be landed so that a proclamation can be read to dethrone her or she is the constitutional sovereign with its authority.

Unfortunately, the Morgan Report, as inadequate as it was, formed a basis for the Congress to annex Hawaii by a resolution with a bare majority.

Volume I (pg. 300) does not comprehend what took place with the Reciprocity Treaty when it states Pearl Harbor was ceded to the U. S. Kalakaua signed the renewed treaty with the understanding that it does not cede any territory, any right of sovereignty or jurisdiction, on the part of the Hawaiian Kingdom.38/ A following statement explains, annexation was approved July 6, 1898 and formal transfer of sovereignty occurred on August 12, 1898. This is a procedural process, and yet the question arises as to how can something be transferred that is not possessed, to accept even more questionable.39/

In 1898 the chiefs of the Navigator Islands (of Eastern Samoa) are reported to have ceded to the U. S. their islands. However, in this process the Samoan people have retained their ancestral lands up to 97%. The issue is, why were not the native Hawaiian lands also handled in that manner with their ancestral lands.

In the analysis section on why a resolution and not a treaty was used to annex Hawaii it is pointed out that otherwise, the fear of interminable delays would result. At the same time "secret sessions" were conducted to confirm a weak acceptance for annexation. Even the threat of war was used and the Japanese threat of a take over by proponents. The adoption of a joint resolution for speeds sake was disliked by President McKinley for its quality of evasion, as he correctly perceived it. There are comparisons between other annexations. Hawaii is unlike any if they are being used for precedence. Basically, all annexations concluded were done so with the assent of the people of the annexed territory. An apparent exception is Santo Domingo in 1870 when the clause for the assent of the people resulted in a rejection. It is obvious the assent of the people of Hawaii was not sought and if it had been would have been a rejection like Santo Domingo. Texas is frequently mentioned and possible threats from Mexico. But the people of Texas wanted to be annexed and they had an opportunity to ratify annexation.

Chapter 27

PROCESS OF ANNEXATION

What may be overlooked in the annexation of Hawaii was the considerable disparity created by mass naturalization. For instance, native Hawaiians when they were naturalized without their consent were in effect expected to forfeit their vested rights or interest in the homeland. If forfeiture can be construed as a form of compensating then native Hawaiians. These were the ancestral lands held in common of I.7 million acres ceded in the annexation. It is obvious that all other lands totaling 2.4 million acres were kept wholly intact and only the I.7 million acres ceded to induce annexation.

In the section Did Any Native Hawaiians Sign Annexation Documents? deserves a response to clear the record. One is listed, J. Kauhane. The government of Hawaii in I897 was an oligarchy, which is described as a government by a few for personal gain. J. Kauhane was a part of it but he did not speak for or represent the native Hawaiians who probably could not vote for him anyway under the circumstances. Those being an oath of allegiance to the unpopular Republic of Hawaii which native Hawaiians refused to take. J. Kauhane was most active under the Republic and acquired huge tracts of land by the record. Volume I indicates J. Kauhane was Vice-President of the Senate, not surprisingly he was not re-elected to his seat. Any effort to suggest that J. Kauhane in his capacity of Vice-President of the Senate might represent native Hawaiians is unnecessary. As a matter of fact when the native Hawaiians were freed from their seven year subjugation beginning in I893 they elected a part-Hawaiian, Robert Wilcox to Congress to represent them.

The section on Hawaiian Boundaries is also commented on for the reason that there seem to be no benefits to native Hawaiians in this process when there should be some. The Hawaiian government had claimed it had consolidated the chain of islands or archipelago 100 years before statehood in July of 1859. Since that time there appears to be an arbitrary carving out of severals islands using various rationale.

By the right of discovery concept for native Hawaiians, Hawaii would be an archipelago in each sense. Based on the position that the Republic oligarchy did not possess to convey native interests, but rather went through the motions, then native Hawaiian refute the boundaries that have been set. The kingdom enjoyed regulating commerce between its islands and the mining of mineral products by permit. The proposal in 1959 to effect immediate statehood and set boundaries would change these regulating privileges. The 1959 statehood proposal was not well enough understood nor took into consideration these factors, and therefore, for native Hawaiians should be repealed as they received no benefits.

Chapter 28

COMPENSATION AND ABORIGINAL TITLE

In the Existing Law, Native Hawaiians, And Compensation section as stated elsewhere, is not the principal issue. The "invention" aboriginal title is overly unilateral and offers endless interpretations. Hawaii had enjoyed at one time what ever it was, but had progressed beyond that stage by annexation.

Comments used in the section, particularly from Patrick Hanifin were largely adversarial.

In Volume I the submission by Patrick W. Hanifin is a presentation largely refuting the native Hawaiians claims of reparations. The first questions from this presentation arise as to what standing has the presentor. Hanifin is not a native Hawaiian, he does not represent clearly anyone but his own view and he does not represent any government.

While the presentation appears to be researched and quotes sources it seems to skirt the basic questions by its basic premise and the nine issues it raises in the beginning format. Unfortunately, Volume I uses the argument to qualify its reasoning on several issues. It is hoped that the Volume I usage of the Hanafin argument does not signify a lack of good information and maybe in effect grasping for straws to argue the claims issue.

Given certain factors such as the Hawaiian people were the original people, had a constitutional government and were not willing to give up their government without force is the principal issue. The Hanifin argument implies that a government, which could include the U. S. government might concede to being overthrown and not protest. To enjoy making choices in elections and government employment were choices native Hawaiians could enjoy under their government. An exercise they vigorously pursued. The Hanifin argument would ignore all of these privileges.

It appears as if the Hanifin argument is biased and unilatera-ly interprets events. The Hanifin argument can be found to contradict itself in several instances. Especially when the Hanifin argument states that the three divisions of one-third and is a matter of record. The Chiefs did claim their lands and it follows what was left of the Mahele division were the tenants lands. There does appear to be any process to deny this division from the owner, the king to the people. Hanifin further states that the tenant was to receive only one-third of the lands he cultivated does not appear in any record as such. In fact the Kuleana claims were for the entire Kuleana, not one-third as put forth in the Hanifin argument. It appears as if the Hanifin arguments mis-understands the land awards and is reversing the process to say that instead of conveying one-third the raw land as a commutation tax only one-third was awarded to the tenant. This is really erroneous as shown by recorded claims.

As a further example the Hanifin argument cites the political axiom of one man one vote. Then admits that only a small percentage of Hawaiians could exercise the franchise. They were not permitted one man one vote which is described as being purely a racial issue. This is not correct because the wealthy planter society and supporters excluded voting based on "condition." Condition referred to property holdings, so poor Hawaiians and Asiastics could not vote but alien Caucasians could.

In another instance Hanifin implies that might makes right and who is controlling the assets now. Or who has seized control and retains such is permissable with the use of force. Hardly an acceptable practice at the present as more people demand self-determination throughout the world at present.

The Hanifin argument cites the only use of U. S. troops was the day before the overthrow, when troops were landed to prevent disorder supposedly. Hanifin does not understand that the troops were landed to show force as the reading of the dethroning proclamation took place by an American to protect him from harm and arrest as had been attested to earlier by Minister Stevens. Hanifin also overlooks the fact that a protectorate was in effect established that same day of the overthrow with the raising of the American flag and U. S.

troops stationed ashore. The Hanifin argument is not correct.

The Hanifin argument is not correct because it makes assumptions under the Constitution of 1887, the "Bayonet Constitution." It was not a Hawaiian constitution being not drafted by a Hawaiian under the declared system of polity and had little authority. To quote the 1887 Constitution is not appropriate. The replacement of the 1887 Constitution was a valid pursuit of the constitutional Queen Liliuokalani to serve her subjects.

Liliuokalani was the constitutional sovereign and under the system of polity established by the founding Kamehameha's she could implement a new constitution to restore the voting privileges to her subjects. Because the Constitution of 1887 was forced on the sovereign as the "Bayonet Constitution" it interrupted the voting practices and land management of native Hawaiians. This fact is borne out by the resurgence of the Hawaiian vote in 1900 to repudiate the administration of the Republic of Hawaii and its land policies.

As a last comment on the Hanifin argument, its source might be considered. Hanifin serves in a law firm that consists of an ex-governor. This ex- governor was the first governor of the new state of Hawaii who likely won election on a campaign offering the Hawaii residents the "Second Mahele." If it was possible, the inference was that if elected, each person could receive about one-half an acre of beachfront property. The proponent of the "Second Mahele" was elected but no one received the expected acreage in a redistribution of land largely held as private property by the supporters of the governor proclaiming the "Second Mahele." The Hanifin argument does not understand that the Great Mahele recognized and established vested rights for native Hawaiians. The vested rights of native Hawaiians has not been satisfied. Instead the Hanifin argument makes the presumptuous argument entitled, HAWAIIAN REPARATIONS: NOTHING LOST, NOTHING OWED, seemingly to pre-judge the issue. While the vested rights identified in the Great Mahele have not been satisfied for native Hawaiians the voters of Hawaii have been prevailed upon to believe that a "Second Mahele" was possible even without vested rights.

Generally there seems to be a misconception beginning on page 335 of Volume I. On the contrary it was not a theory that the king transferred his royal domain to the chiefs and people, it was by statute that the legislature approved. Further this portion fails to identify that Chief Justice Lee wanted the commoners or tenants to have something set apart separate for themselves as he was President of the Board of Commissioners to Quiet Land Titles. The result was after the king set apart his I,000,000 acres, the chiefs and people were granted 3,100,000 acres in common. Later in the Mahele the 3,100,000 acres was further divided into chiefs lands of 1,500,000 acres and 1,600,000 to the government or what is often referred to as the people to total 3,100,000 acres. These were aggregate figures but in reality the commoners were to draw their lands from all three divisions by the provision that all three, Crown, Chiefs, and government lands were subject to the rights of the tenant which the Kuleana Act was to provide.

Unfortunately this section goes into great legal detail to reinterpret the intent of the Constitution of I840 and the following native Hawaiian constitutions. No native sovereign ever intended to disenfranchise his subjects as suggested by the interpretations being offered. On the contrary there was a mutual support of each other and which may have frustrated their opposites into the schemes developed to compensate. Each native Hawaiian constitution, and there were only three, was a revision of the preceding to accommodate the times. The express provision of taking by law was not accomplished, under the provisions of the Constitution of I840 or in any subsequent constitutional legislation. That suggests the king in granting the chiefs and people two-thirds of his royal domain is a binding conveyance. The intent was established and any subsequent interpretation would be speculative and superfluos. If a change was to be recognized it should have come from the original grantor, not by subsequent interpretations. As each successive sovereign succeeded the office the original grant was not specifically disavowed. A confirmation of this argument can be derived from the Hawaiian Supreme Court finding in 1892 that when a new constitution takes effect:

> "... it is a new departure in the government to state anew the principles to be administered, to rearrange distributions and limitations of sovereign powers. What is not changed is re-affirmed."

It is clear what is not changed is reaffirmed or the grant under the Constitution of 1840 by the Mahele of 1848 was never changed by any specific act.

As an example, the Board of Commissioners to Quiet Land Titles was dissolved as of March 31, 1855. Accordingly, the Civil Code of 1859 did not include or incorporate the whole of L. 1850, p. 202, but only Section 7 thereof, which, as amended by L. 1851, p. 98, is therein designated as Section #1477. This section has never been subsequently amended and presently comprises HRS #7-1.

Chapter 29

EVASIVE QUALITY OF ANNEXATION

In response to arguments offered on page 343 relative to the Joint Resolution, it can be construed that the Resolution was an evasive tactic and therefore the evasion would include the responsibility to the native Hawaiians and their land interest. The argument proceeds to say that the "inhabitants" included all 109,000 people living in Hawaii. On the contrary, the number of citizens were far less than that who surely possessed vested rights which should have been recognized. It was not necessary to identify "native Hawaiians" as inhabitants because they were always the inhabitants from time immemorial. That the Organic Act failed to establish recognized title for native Hawaiians to the ceded lands was more of an oversight to be corrected by the catch-all clause, "The laws of Hawaii relating to public lands ... shall continue in force until Congress shall otherwise provide."

In a sense the Joint Resolution of Annexation which should have been the Treaty of Annexation was an unequal "treaty." If the annexation had remained as a treaty it may have never passed the Congress without the assent of the native Hawaiians. As a resolution the annexation would evade the normal procedures and also the recognition of the native Hawaiian rights. It was a process that should not generate much pride, and as President Cleveland had stated, "He was ashamed of the whole affair."

In the section Loss of Sovereignty and Compensation pg. 346 a discussion dwells on a definition of and then considers whether compensation for its loss is relevent to native Hawaiians. Native Hawaiian sovereignty is not a limited sovereignty, as in the case of Indian tribes, but it is also a sovereignty that has not been extinguished nor refuted. It has not been for sale by the possessors. The use of the term "loss" is a pre-judgement. Volume I continues to state, that for native Hawaiians, the U. S. was dealing with the government of Hawaii as another sovereign until 1898, no action of Congress could be regarded as taking the sovereignty of Hawaii. On the contrary the U. S. Minister Stevens created the Provisional Government of Hawaii by unauthorized landing of troops. It follows that the government thus created did not have authority itself. This is confirmed by President Cleveland who directed the return of authority to the constitutional Queen. When the Provisional Government refused Cleveland turned the matter over to the U. S. Congress. The Congressional Committee formed to investigate the landing of U. S. troops that assisted the establishment of the Provisional Government found only the Queen guilty in the overhthrow incident. No further action would be taken to restore the constitutional government or repair the damage done. It can be construed that by failing to act and repair the damage the native Hawaiians were deprived of their sovereignty.

If the discussion between the President Harrison administration and the annexationists in Washington in 1892 are considered, than indeed the government created by the use of U. S. troops was a surrogate only awaiting the proper time to conclude annexation and then only by a resolution.

It is clear the attributes of sovereignty are compensable for native Hawaiians not only because of a failure to restore but in the efforts to acquire it from them in the past. On August 7, 1874, Hawaiian Minister Gregg advised U. S. Secretary Marcy he had received approval to cede by treaty, the kingdom of Hawaii specifically to become an equal status in the United States. In compensation to all who may suffer or incur loss consequent thereon, the U. S. shall pay the aggregate sum of $300,000 annuity. The second effort was after the overthrow of 1893 when the Harrison administration also held the view that there were "political claims" in Hawaii the U. S. ought to liquidate. The annuity first proposed in the 1854 treaty was reviewed for applicability. For a second time the Annexationists as the Republic would oppose any settlement. It is apparent that the failure to compensate native Hawaiians leaves the issue in suspension. These activities suggest there is a value to native Hawaiian sovereignty, on the other hand the only remaining aspect is how much?

The analogy being used in Volume I, pg. 346 entertains the view that might make right and native groups, "exist only at the sufference of Congress and is subject to complete defeasance." This approach also implies that native Hawaiians were native Americans before the overthrow of 1893 and were dependent. The question is, did native Hawaiians after the overthrow become undependent or independent? If this is so then it is time to review treaty making powers in the interest of statesmanship.

Sovereignty as related to the native Hawaiian common ownership of their ancestral lands as granted to them by Kamehameha III gives rise to a compensable claim. This is based on the principle that the use and benefits from real property (their common lands) cannot be deprived without just compensation. (U. S. Constitution, Fifth Amendment). Therefore, native Hawaiian sovereignty is a property right and compensable On the contrary a special duty was assumed to protect native Hawaiian sovereignty as relates to their common lands by the terms of Article II of the Resolution of annexation. The Organic Act of 1900 followed immediately the Resolution of Annexation and did not change Article II of the resolution of annexation and by such lack of a change signifies re-affirmation. Article II would declare that Hawaii's public lands were not as the public lands of the U. S. If these were not public lands then they were special lands. They were special lands because Congress also was to legislate special laws for these ceded lands at some future time. In fact, in the first instance they were not even public lands as they were really the Crown and Government lands combined by the Republic to cede to the U. S. in the annexation. Again, if we consider the government as being the people, then the Government lands that were ceded were the people's land.

In the conclusion of this section it is stated that the native Hawaiians have no present legal entitlement to compensation for any loss of sovereignty against the U. S. This statement only restates the case clearly and the reason for the NATIVE

HAWAIIANS STUDY COMMISSION to clarify a fraudulent wrong in the ceding of Hawaii's lands. It is doubtful that legal entitlement can be based on an illegal or fraudulent act such as the ceding after the overthrow of 1893. Because there is no statue of limitations for fraud the issue has remained unresolved in spite of the need. Fraud can be corrected by returning that which is not possessed to the possessor, in this case common lands to the native Hawaiians. The central issue does not revolve around the compensation for, rather the return of common lands. Native Hawaiians are not clamoring to sell their homeland, or heritage, or culture, it has not been for sale historically, mostly because where would they then have to go.

In view of the failure to compensate native Hawaiians for their common lands, this suggests a trust relationship was thereby established and confirmed by subsequent actions such as the Hawaiian Rehabilitation Act of 1920. Contrary to Volume 1 pg. 348 that the Organic Act of 1900 passed by the Congress did not intend to establish a fiduciary relationship with the native Hawaiians, it can be shown otherwise.

Section 91 of the Organic Act provides that ceded lands in the annexation were to:

> "... remain in the possession, use and control of the government of the Territory of Hawaii, and shall be maintained, managed and cared for by it, at its own expense ..."

The title to the common lands was offered to the U. S. to defend. The territory was given the administration of the common lands as a sub-trustee, for the exercise of title appeared to remain with the U. S. and so applied.

A possible reason for the lack of compensation to native Hawaiians for the common lands was who would receive the compensation? Surely, not the ceders who could never warrant title. On the other hand the native Hawaiian was unidentifiable during the ceding negotiations and precluded from defending their interests. Conversely, the native Hawaiian can at present be identified by geneologies and thus to the common lands granted them by the king in the Mahele.

CEDED LAND TRUST

Volume 1 continues to point out that the U. S. apparently accepted the fee to the common lands of native Hawaiians on pg. 349. This is contrary to previous positions that the Organic Act did not create a trust. The position changes to "the United States' title to all the public lands is granted to the State of Hawaii" in the Admissions Act of 1959. This inconsistency widens to say that "title to which was held by the U. S. immediately prior to its (Hawaii's) admission to the Union." Since fee title to much of the ceded lands is no longer held by the Federal Government, no fiduciary relationship now exists as to the ceded lands. This statement only confirms that contrary to previous denials there was assumed to be a fiduciary trust relationship in effect.

The conclusion in this section is basically faulty to say that the federal government did not assume any fiduciary duty or establish any law to compensate for the Crown or Government lands or loss of sovereignty. It is not a matter of assuming fiduciary duty or compensation but rather correcting an invalid cession and restoring property rights to native Hawaiians.

Comment on the section, Comparison with Alaska Native Claims is Necessary. The Alaskan Statehood Act of 1958 stated that the resolution of any native land rights would be left to future legislation by Congress. In that respect this provision is also in the Resolution of Annexation of Hawaii in 1898. To that extent there was a similarity, the difference being Alaskans enjoyed aboriginal title while native Hawaiians had been granted from the kings Royal domain in the Mahele their identified lands. There is a reasonable confirmation of this position in the Congressional Research Service report of 1973. This report states native Hawaiians are compensable based on the declaration that all of the lands (by Kamehameha I) belonged to chiefs and people in common. There was no distinction made between State and native ownership and this difference could be used to support the argument that natives were deprived of their land rights and eligible for compensation.

Continuing on pg. 351 of Volume 1 is found the statement that the Great Mahele established the mechanism for the establishment of fee title. If this statement is applied to Crown, Chiefs and Government lands than indeed native Hawaiians enjoy fee to those land that have been ceded in 1898. Further the Crown and Government lands established by the Great Mahele eventually became federal lands when Hawaii was annexed by the U. S. Title to the land was vested in the State of Hawaii by the Hawaiian Statehood Act, which does not contain a provision protecting native land rights similar to the one found in the Alaska Statehood Act. The reciting of this process is generally correct. What is missing is the step to convey legal title. There is no disputing what took place and is the reason why there is a Study Commission today. If native Hawaiians were granted their lands in fee in common then they would have to convey their lands voluntarily in fee by the record. There is no such record and there exist only assumptions. What native Hawaiians enjoyed was a common broad conveyance for the lands they lived on as first aboriginal lands that were converted to fee in the Mahele and further in the Kuleana Act of 1850. The last paragraph of this section suggests a remedy, which is, special legislation (also spoken of in the Resolution of Annexation) would be required before any such settlement could be made.

In the HAWAIIAN HOMES COMMISION review of programs, pg. 371, there are certain statements that require clarification. A memo to the Secretary of the Interior from the Inspector General recommends actions to be taken by the DHHL to resolve the immediate problems and perhaps the appropriate role, if any, to be played by the Federal establishment. The memo continues to say there is agreement with the Governor's assessment relative to the responsibilities of the Federal establishment. These statements indicate there is understood to be a trust relationship in place contrary to previous disavowals in Volume 1.

Continuing on, there can be found a petition to the Interior and Justice Departments to enforce the provisions of the DHHL Act.

This again signifies that a trust is in place. However, the lack of time referred to carry out an in-depth investigation in this section is generally the problem of the many conclusions reached in Volume 1. There simply was insufficient time to investigate properly and the Report is deficient, pg. 374.

In the BACKGROUND section the intent of the DHHL Act is described as an effort to recapture possession and control of the public lands of the Territory of Hawaii. This intent seems to recognize some prior right. On the other hand, there would be no need forthe Act if the native Hawaiian rights were observed in the first place. In this action, it is ironic that the native Hawaiian would be given back his own land in an apparent noble gesture. Further, these were not public lands, rather they were the Crown and Government lands combined and which had been granted to the Chiefs and People in common.

An objective of the Act, "accessible water in adequate amounts" was a sometime success. The available lands for the Act's implementation excluded any in a forest reservation (which had water), all cultivated sugar-cane lands (with water), and all "public lands" held under a certificate of occupation (which would also have water.) Excluded lands would have access to water because there would be no reason to acquire such lands otherwise. What would be left are lands without water or poor second class lands. The declared objective of the Act to rehabilitate native Hawaiians raised cruel expectations. Only 2% of the Acts lands could be developed at a reasonable cost. This condition may have well contributed to the fact that only 3,000 families have been placed on the land in sixty years since its inception. Another 7,000 are on a waiting list. But at the present rate of awards it might take another 200 years to place all of the present applicants on the land. This may cost another 500 million dollars. To meet both requirements seem not likely. Reaching the objectives of the Act do not appear favorable, the Act has proved cumbersome. The Act was a creature of Congress creation and any amendments to it rests with the Congress to execute. This all supports the argument that a trust exists.

Chapter 31

VESTED HAWAIIAN INHABITANTS

In 1959, the Hawaii Admission Act provided that ownership of the Hawaiian Home Lands (DHHL) be transferred from the U. S. to the State of Hawaii. The Admissions Act also provided that the Home Lands, as well as proceeds there-from were to be held by the State in trust for native Hawaiians and administered in accordance with the Act, and the use of the Home Lands for any other purpose would constitute a breach of trust for which suit may be brought by the U. S. These requirements further indicate a trust relationship exists. Although, the Home Lands only affect 200,000 acres in the aggregate. Yet this activity sets the precedent and that contrary to statements on pg. 349 in Volume 1, a fiduciary trust relationship does exist. The "public" lands of Hawaii, (Crown and Government) are confirmed as being subject to the needs of the "inhabitants", (native Hawaiians) as no other group is so recognized. The "inhabitants" in Article 11 of the Resolution of Annexation are identified clearly as native Hawaiians contrary to other arguments offered. The question that remains is has the Act performed well or should it be discontinued in part or for all of the ceded lands alike. This consideration is based on the perenial lack of funding that should have been supported from all of the other ceded lands. Another method of funding using a wider base to generate revenues seems desirable.

By the time Congress passed the Home Lands Act of 1920 the accumulation of land in Hawaii had been consolidated. One reason for the passage of Homes Land Act was to address the issue of the "landless" Hawaiians. Why Congress chose a blood quantum is not clear but it does contribute to the Act's unworkability. The blood quantum first disqualified many native Hawaiians. Those that did qualify were subject to future disqualification. In the long term nearly all native Hawaiians would not qualify. Even twenty years after the annexation Congress would yield to the pressure from the planters over the interests of the native Hawaiians in developing the Act. The passage of the Homes Act of 1920 can be interpreted as another step in a process to disenfranchise native Hawaiians. In the process of the overthrow of 1893, the annexation of 1898 and the Homes Act of 1920 were related steps supported by the planters. Each step would separate the native Hawaiian from any interest he may have in the home land. The last step the Homes Act of 1920 while appearing otherwise would only take two consecutive intermarriages to deny the native Hawaiians any benefits he might enjoy by the simple expedient of a blood quantum application, while accomplishing the separation in the process without due process of law. The native Hawaiian would automatically forfeit his interest in his home land earlier granted him by the king.

Because blood quantums are not used generally anywhere else it can be construed that they are not necessary and only divides and creates classes of Hawaiians. Such classes that do not have anything to do with the original land grant and the right to succession to those lands. If the Homes Lands Act of 1920 remains as is, there may come the time when more native Hawaiians are forced off the land than can qualify to remain on the land. Congress created the Homes Act of 1920 and only Congress can change or amend the Act to correct its flaws. Again the condition that a trust exists is evident.

In the Federal Responses to the Unique Needs of Native Hawaiians section, there is a statement in the first paragraph concluding that the response of compensation for any possible loss of land or sovereignty is not available under present law. This observation may be correct on pg. 419. The key word in this statement is the word "loss" which may be an assumption. Both land and sovereignty have not been offered for sale by native Hawaiians. As discussed earlier, such assets are invaluable. Compensation for land and sovereignty is not the issue. But rather damages for the seizure of both as in reparations.

Continuing on in the section are identified Federal Programs for which native Hawaiians are eligible. While those listed in the "Catalog" are numerous and have merit they are unfortunately being used as a remedy for the native Hawaiian dilemna or by using these programs native Hawaiians can help themselves and overcome their deficiencies. While the programs cited have merit, native Hawaiians as a minority have difficulty qualifying for one reason or another. Many of the services listed are open to all of the public that do not share the same deficiencies. Conversely, native Hawaiians are obliged to compete for their share of the funded programs but they have more deficiencies than their counter-parts. It appears that catching up will be difficult or not possible under these conditions. At the same time, what native Hawaiians are denied in revenues from their assets are considerable. The programs versus the assets used are not in proportion. Denied their assets native Hawaiians are dependent and therefore deficient. Up to the overthrow many of the deficiencies current were not a problem. The question is what happened after the overthrow to them without revenues and priorities. Many native Hawaiians do not expect the general public to carry their burden and in fact refuse assistance to try to make it on their own. What assistance has been tendered has not appreciably alleviated their problems. Instead it seems their problems are multiplying as the population expands. Some clear change in direction is necessary to correct the disparities.

In the section State of Hawaii's Responses to Native Hawaiians' Unique Needs (pg. 435) some comment seems proper. In "A" Acquisition and disposition of revenue, it is pointed out that "the special status of Hawaii's public lands was recognized and the intent to return those lands to Hawaii made clear in Hawaii's Admission Act." This statement is partially correct but no distinction was made then as to the right of the native Hawaiian versus the State to those special lands. The question arises as to why were they special? Were they special because of the original native Hawaiian interest granted in the Mahele? Section 5(f) of the Admissions Act recognizes the native Hawaiian interest as beneficiaries on a limited scale.

In the Private and Local Responses to Special Needs of Native Hawaiians sectiion are noted a number of private and local organizations to serve native Hawaiians. These organizations serve well in their capacities. They are only limited to what they can do by funding and have been operational for some time. Limited funding has always been a problem for native Hawaiians. Due to funding constraints, a static outlook can be perceived for native Hawaiians. To imply that these organizations may alleviate the present deficiences is not realistic. To take only the requirement to place the native Hawaiians on the Home Lands may require some $500 million alone and that is not likely to be available soon.

Chapter 32

ADDITIONAL COMPARISONS

Following up from page 16 of this response, it can be found that Volume 1 on page 28 makes improper assumptions. In the CONCLUSIONS AND RECOMMENDATIONS section the conclusion that as an ethical or moral matter, Congress should not provide for native Hawaiians to receive compensation either for loss of land or sovereignty based on the limited involvement of U. S. forces and the political climate in Hawaii. The political climate cited was fostered by and created with the U. S. forces to form a new government. Not necessarily a legitimate government but one which seized the assets and treasury of native Hawaiians to manipulate without accountability to native Hawaiians. It is emphasized again that neither land nor sovereignty have been offered for sale and compensation is not sought. However, in these discussions if reparations concern damages for acts of war then compensation is a proper subject as first introduced by President Cleveland in 1893. A relative one is the Japanese internment of World War II (WWII) in the 1940's. In this case, the State of California awarded $5,000 to each individual who lost a government job due to the internment. More recently, two U. S. Senators have introduced a bill to award each of the 60,000 WWII internees $20,000 for their ordeal. More recently, two U. S. Senators also support establishing a trust fund for the future in the case of those already deceased. Under the government established with the aid of U. S. troops native Hawaiians lost their jobs in government and their status.

In the RECOMMENDATIONS "B" section is found an often cited but incorrect solution. Essentially there is proposed more educational, informational and technical assistance. Taken at face value these would appear logical solutions. The problem is, that recommendation is overly simple.

There must be more opportunity in real terms of continually funded programs not stop gap if native Hawaiians are to catch up. There has always been dearth of funding for native Hawaiians and this is reflected in the health, education and welfare facets of their lives. The solution suggested may be like others, subject to the vagaries of political funding and perhaps discontinuance. A simple solution has not worked in the past and may not in the future. Real funding is realized best by the ability to generate revenues or new sources of income. It follows that with revenues then priorities can be determined. Such a scenario for native Hawaiians reduces their dependency or deficiencies. Native Hawaiians do have the capacity to generate revenues as was done prior to the overthrow of 1893.

Native Hawaiians have many times withdrawn from discussions to avoid discomfort and not participated. This has been unfortunate, for from a high rate of literacy, in either English or Hawaiian the literacy percentage has suffered. This condition may reflect poor leadership, low self esteem or other negative characteristics since the overthrow and subjugation in 1893. The Summary of this section of the Study Report would attempt to address the many years of native Hawaiian denial by an over simple recommendation. It may take many future generations to rehabilitate and permit native Hawaiians the opportunity to regain that status in education and self esteem they once possessed. This restoring process requires planning on a long term basis and assured funding. Such funding may face competing demands at present in the general treasury. Native Hawaiians being in a minority as a consequence have not always been able to enjoy a reasonable share of these public proceeds. They must generate their own revenues.

Generally the recommendations in the Study Report tend to address the short term solutions. A more long term and enduring solution is sought for native Hawaiians.

Volume 1 on page 35 ranks the importance of industry to Hawaii in an incorrect order. Defense is ranked in fifth place when it rivals the tourist industry in importance. The defense role has always been important with 100 ships stationed at Pearl Harbor in December of 1941 that induced the attack on it then.

An apparent misconception occurs in the demography section of Hawaii. In this case, the Hawaiian category is often associated with a blood quantum. This is not necessary because what is being discussed is a descendent of an ancestor who resided in Hawaii prior to Captain Cook's arrival in 1778. Such descendent may have little blood of their ancestors and may be considered not Hawaiian because of a non-Hawaiian name additionally. A blood quantum is not a true measure for the descendents of the original people. The varying definitions of the term "native Hawaiian" are confusing and may not serve a valid purpose outside of creating classes of Hawaiians by the arbitrary selection of a blood quantum to make for divisiveness. This discussion is on page 37 of Volume 1.

Volume 1 on page 40 using Table 4, of Population Trends, states that Hawaiians are the most rapidly expanding ethnic group. The relativity of that statement is questionable or to what other race is it inferring. The statement is not correct based on the figures in the tables. Hawaiians as a group comprised 24.4% of the pouplation in 1900 and in 1960 declined to 16.2% of the population. Conversely, the Caucasian group in 1900 comprised 18.7% and nearly doubled to 32.0% in 1960. Volume 1 conveys the image that Hawaiians are flourishing while in fack they are not.

A summary section of the Demographics expresses an incorrect view to say natives lacked interest in toiling in the fields which made immigrant labor necessary. First, the native population was in a decline due to imported diseases. On the other hand, there was a tremendous expansion of plantations, numbering up to thirty-five by 1873. Plantations up to 1869 were using all native Hawaiian labor. In 1870 there came a huge increase in production from 2 million pounds to 20 million pounds. There was indeed "handsome" profits using the original native Hawaiian or "kanaka" labor. To accommodate the expanded production and the native labor force declining, labor had to come from outside the kingdom. Imported labor would also serve to keep the natives "in line" and create a surplus of labor in the long run to keep wages low. At the same time native Hawaiians had protested against importing labor to deny them the necessary to preserve the independence of the native Hawaiian. The change was rapid and the kingdom may have evolved into a republic by some accounts and in fact efforts were made towards that end by some native Hawaiians themselves. In this connection what native Hawaiians find most deplorable is the fact that this evolving process was interrupted to deny them political maturity and their assured future prosperity by the U. S. troops intervening in 1893.

What followed after the intervention of 1893 was an unequal status for native Hawaiians. Under the Republic of Hawaii and the preceding Provisional Government almost all of the native Hawaiian voters were disenfranchised. The Constitutional Convention to draft the Constitution of 1894 was weighted in favor of the Provisional Government by the selection of the majority of the delegates to ensure success in forming a Republic to favor annexation.

Relative to this process in Volume II page 103, professor T. M. Cooley of American History and Constitutional Law presented an argument. This argument was also supported by the mainland newspapers. The argument held that a constitutional problem had to be solved before a valid offer of cession could be made on behalf of Hawaii's people. That because the native Hawaiians supported neither the Republic government nor its aims, annexation would be tantamount to the U. S. acceptance of "stolen goods."

It may be helpful to review conditions that led to the establishment of the Republic of Hawaii. It is clear that if the Republic was a popular government then the decline in the number of voters in 1890 of 13,593 reduced to 4,477 in 1894 should have been amuch closer figure. As it happened the Provisional Government Minister of the Interior could grant citizenship to foreigners who had "fought" for the Provisional Government. There was no fighting of record and it is apparent that this was a form of renumerating foreigners who had no equity interest in the assets of Hawaii. This activity would compensate foreigners. The Europeans, of German and Portugese extraction were used as mercenaries. Much the mere 25 cents per day wages they were paid for the arduous field labor they supplied. A report in Congressional hearings of June 1902 described the watering of stock technique used in Hawaii by plantations using cheap "kanaka" labor that contributed to their increase in numbers.

Volume 1 on page 60 summarizes the several ailments or deficiencies that native Hawaiians suffer. These ailments are in greater proportion than their numbers in the population. This condition can be attributed to the lack of funds or programs available to address such deficiencies. It is of note here that Table 4 of the Population Trends would support a shrinking population due to the many identified health problems. In effect it can be assumed that denying them a lifestyle more suited to their health needs contributes to this obvious problem. Native Hawaiians are many times placed into less developed or desirable areas to form small enclaves distant from employment making self-support difficult.

In the SOCIAL-POLITICAL PROFILE section an example used by Romanzo Adams is not entirely correct. The argument that there was no strict social prohibition to marry out of the race overlooks the import of labor. Actually, the import of labor, that is single males in many cases initiated inter-marriage that accelerated with time once introduced. Females were not considered as productive and this contributed to the disparity and surplus of men who sought native wives. The population mix will bear this observation out from the earliest imports without women. Adams' observation stating that the historic situation favored the development of the mores of racial equality is debatable. For native Hawaiians, they did accept everyone but the reverse was not always true. In the circles of the elite power brokers, native Hawaiians would frequently be denied.

In the POLITICAL PARTICIPATION, THE MONARCHY section on page 63 warrants some comments. As for the monarchy, it operated reasonably well for its constituents in a growing process from an absolute monarchy to a constitutional monarchy, all within a generation. The monarchy appears same as different racial groups were used on the plantation for strike breaking and pitting one group against another. What was being developed was an anti-native Hawaiian system. By this method the planter oligarchy would lay the ground work to survive into the pre-World War II era. This system was described as a police-state by some of those who lived under it as the mercenaries and police departments rewarded those cooperating with the Republic and then Territory and punished those opposing them. (Ex. G) Volume 1 failed to have interviewed the few living native Hawaiians who might detail the control of the oligarchy that was pervasive. Volume 1 is again deficient.

The Republic constitution had become law by proclamation and Sanford Dole would take office as president on July 4, 1894 also by self proclamation. It is interesting to note the date the proclamation of the Republic took place, on a date there was sure to be an American celebration. But the Queen's observations were correct. That the annexationist would be Hawaiians when it was advantageous in negotiating in Washington to achieve annexation representing to speak for the Hawaiian people and yet on the other hand being Americans when it suited the need. However, this was not to include being subject to American principles as was evidenced in the case to refuse President Cleveland's request to restore the Hawaiian government and stating the President had no standing in the matter.

Dole would say President Cleveland could not intervene in the affairs of an independent nation although Dole would overlook the fact his government owed its existence to the U. S. and its troops and to whom the Queen had yielded in 1893.

In 1900 when native Hawaiians could vote again their expression at the polls resulted in an overwhelming defeat or demonstration against the previous Republic of Hawaii to repudiate their policies. This confirms the annexation was an unpopular cession. Volume 1 on page 64 makes inaccurate observations about Royalist David Kawanakoa. On the contrary, he did not solely pursue partisan politics and become a charter member of the Hawaii Democratic Party. He never forgave the Annexationist for dethroning the Queen. The annexation was a partisan undertaking in the U. S. and the same Republican party oligarchy would control Hawaii up to World War II. Under these conditions Kawanakoa had no other choice for confronting the oligarchy with its tight grasp over Hawaii.

The Lawrence Fuchs observation that ethnic groups tend to favor their own kind may have been confirmed in some elections. A case in point was the overturning of the oligarchy party after World War II to finally shake their hold over Hawaii politically. The new legislation would provide for the breaking up of the oligarchy massed holdings with the passage of the Hawaii Anti-Trust Law of 1961 forbidding inter-locking directorates resulting in the majority share holders in several of Hawaii's factoring houses to pass to out of state share holders. Discussion on page 65, Volume 1.

In a summary on page 66 the subject of racial aloha may be misunderstood. It may have been practiced by native Hawaiians but not always by their "guests." If it was there would have been no need for the subjugation of native Hawaiians. A better detailed discussion is made on page 192 of Volume 1 about racial aloha and its real practice. That is, native Hawaiians stress sympathy and concern for new arrivals while the opposite is not true as new arrivals favor their own interests over any of the Hawaiian community.

Volume 1 on page 177 begins a discussion on culture and language and its importance. It must be emphasized that native Hawaiians had cultural expression in their language up to 1893 and the overthrow. After that it was banned in the courts and the Republic even legislated their bias into law that English should completely replace the Hawaiian language. (pg. 195) This action illustrates the total subjugation of native Hawaiians to deny him the ultimate human characteristic of language. There was no concern that much knowledge would be lost, especially the poetry of expression in the native Hawaiian language.

Simultaneously Dr. Samuel Elbert, a leading Polynesian linquist suggests that the pronunciation and structure of the Hawaiian language makes it a good candidate for communication like Esperanto. (pg. 186) The Rev. Lorenzo Lyons in 1878 in the missionary journal THE FRIEND stated:

> "I've studied Hawaiian for 46 years, it is an interminable language, it is one of the oldest living languages of the earth, as may well be classed among the best, the thought of replacing it with English, ought not to be indulged. Long live the grand old, sonorous, poetical Hawaiian language. (pg. 194)

It is further pointed out that the discouragement to speaking Hawaiian was all pervasive or Hawaiian would certainly have remained a first language of the majority of the native Hawaiian population today as well as including others. That is, if it were not for the rigorously pursued policy of the Territorial administration after the overthrow of 1893 to replace Hawaiian with English. Otherwise, the languages survival would certainly have been more successful with a fair-minded administration. Thereafter, the schools eliminated the Hawaiian language from the lives of several generations of Hawaiians to create the existing gap. (pg. 198) That it survives today is good fortune after being suppressed so much for so long.

Chapter 33

VOLUME II

Volume 1 and Volume 11 of the NATIVE HAWAIIANS STUDY COMMISSION can be considered one report on the concerns of native Hawaiians. As one report some concerns are seen as being contained in Volume II of the Final Report.

Volume 11 in the Executive Summary on page 10 declares a just and equitable resolution for losses of domain and dominion are desired and represents a foregone conclusion. Surely, if the unborn could be polled, such a settlement made today would be disapproved as satisfying only the present living and of little benefit to future souls. Rather than pursuing reparations for losses of domain and dominion the thrust should be rectifying fraudulent seizure and trespass of native Hawaiians assets.

Volume II cites on page 27 the theory of "claims of conscience." Native Hawaiian claims are stronger than such as being the result of the action taken on April 20, 1845 with the passage of the supplement to the statute of that date to create the mechanism for establishing fee title to all of the lands of Hawaii. Fee title to Hawaii's lands were intended to be awarded to the people after the king had first reserved to himself his lands for the dignity of the crown in perpetuity. There does not appear to be any intent to grant lands of the Mahele to other than those who had vested rights of the King (Crown), the Chiefs and third the tenants or people. Such a kingly grant in common would provide for the tenants to carve out his vested right under the terms of the Kuleana Act of 1850. That the Kuleana Act failed to divide the kingdom in the short 4½ years of the act before it dissolved can only infer a suspension because the precedent had been set by those awards to successful claimants. Had the Kuleana Act continued it is very likely that the one-third promised to the tenants would have been claimed and awarded. Such was done in the case of the chiefs lands that could be claimed up to 1895 from the same initial grant from the king on April 20, 1845.

While speaking of clearing up legalistic difficulties via a statehood plebiscite in 1959, there is the oversight of the native Hawaiian vested right in all of Hawaii's lands. This opinion cannot be agreed to as correct. (page 30) If this oversight was not an obvious fact there could hardly be any reason for the NATIVE HAWAIIAN STUDY COMMISSION.

A statement in Volume 11 saying that sovereignty of Public Lands was an appropriate cession under international law is questionable. Native Hawaiians did not participate in this action of ceding and therefore it is invalid. There was no transfer of lands and sovereignty by native Hawaiians only the Republic of Hawaii as a self proclaimed government. The Republic could not represent the majority of the native Hawaiians and their vested rights. (page 11)

If it is recognized that the Reciprocity Treaty of 1887 was renewed to maintain political and economic control over Hawaii then perhaps the U. S. with its combined military forces could be said to have exercised de facto supremacy over Hawaii, yet not in any actual sense a sovereignty. The Republic of Hawaii attempted to convey Hawaiian sovereignty to the U. S. in the annexation of 1898. Officials of the Republic of Hawaii went through the ceremony to convey Hawaiian sovereignty, but it was not a Republic representing the people rather an illegitimacy and therefore had nothing to convey.

In reviewing trust relationships on page 10, to clarify the nature of the claims to determine restitution may not be a proper pursuit. Native Hawaiians never agreed to the designation of ceded lands made unilaterally and without their participation. More specifically, if we are now all American citizens and proud of the fact, then why do we seek damages or reparations ourselves. There seems to be a contradiction in these statements or a misunderstanding of goals. These statements infer native Hawaiians overthrew themselves and ceded their lands, but now seek damages for the loss of land and sovereignty. Again in such a case there should be no need for the NATIVE HAWAIIAN STUDY COMMISSION.

As a footnote to history and how the opium trade was manipulated an incident can be related. Twice native Hawaiian monarchs were charged with promoting opium licensing. First Kalakaua and Liliuokalani were so charged. They appeared to be interested in licensing an unregulated drug trade and legalizing it instead of permitting smuggling. They were never charged with possession which is more than can be said of their opposition. So it can be assumed that the opium charges were to discredit and weaken the monarchs with unproven innuendo.

The Queen had been charged with fostering revolutionary acts. Opium licensing might be considered in this category especially if it was province of the entrenched businessmen who financed all business in Hawaii. But how serious were these charges? Especially when the opposition, the Republic of Hawaii, which saw the dethroning of the Queen, had as successors to the Queen's government the policing powers.

ARTICLE - TALES OF OLD HAWAI'I by Russ and Peg Apple.

> In port was the steamer Australia. She ran roundtrip between Sydney, Australia, and San Francisco, with stops both ways at Auckland, New Zealand, and Honolulu.
>
> She was a necessary ship too necessary to be hassled in the port of Honolulu by searches for contraband. She carried both royalists and annexationists, and their messages, to and from America.
>
> The Australia also was thought to carry opium from the Orient via down-under ports into Honolulu.
>
> Bos'n Ben was suspected of being the chief opium smuggler from ship to share in Honolulu.
>
> Whenever the Australia was in port, Bos'n Ben worked aboard. Part of his duties was to take the ship's garbage ashore.
>
> Dumping garbage in Honolulu Harbor was illegal even in 1894.
>
> Bos'n Ben wheeled a barrow of garbage down the gangplank, along the dock, waved at the guard, sent through the main gate, and wheeled the barrow of garbage right into Jack Lucas' mill, followed at a discreet distance by the Honolulu police.

Hawaiians made up the bulk of the force.

Within a few minutes, the police raided and began the search.

Twelve tins of opium were found in the boiler room. Records do not reveal if there was a faint smell of garbage about them.

Policemen approached Bos'n Ben. They surrounded him.

Bos'n Ben picked up a paint scraper in one hand and a knife in the other. He held the policemen at bay until Lucas asked him to put them down. He did.

Forget the opium. It was never mentioned again.

Bos'n Ben was arrested for assault on Honolulu's finest.

In the trial, Hawaiian policeman after Hawaiian policeman told the haole judge and haole jury how Bos'n Ben attacked them.

Lucas testified that Ben was as "gentle as a lamb" and held the weapons merely to protect himself against the unwarranged attack of the warlike Hawaiian policemen.

Lucas, the man in whose boiler room 12 tins of opium had just been found, was the chief witness for the defense. He was never asked about the opium.

Bos'n Ben was found innocent.

In April 1894, the haoles, even suspected smugglers, had all the clout.

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Under these circumstances the accusations against Kalakaua and Liliuokalani was only a ploy but the damage would be done and both will go down in history as guilty but no one knows that the real beneficiaries were those doing the accusing. And so it was under the Republic that the accusers were trading in opium by the historical record. In fact fortunes were amassed in the trade.

A printing entitled, A MOST EXTRAORDINARY CORRESPONDENCE by Meiric K. Dutton reveals some conditions about the overthrow of 1893. In the printing, the commentary by Mr. Dutton suggests that although President Dole signed the letter of correspondence it was likely prepared by Minister L. A. Thurston.

The correspondence sought to clarify the position of U. S. in the matter of the post overthrow period. First the letter appears to charge the U. S. representatives with certain statements not previously provided to the Provisional Government for their review and anticipatory action. Secondly, there is the expression that the Provisional Government and its supporters find the U. S. hostile in respects to the Provisional Government to avert any uprising. All of these statements carefully couched in terms that appear to be seeking favorable reaction from the U. S. The conclusion of the letter expresses the inability to understand why a Government and community more closely tied to the U. S. with ties of commerce, friendship, and blood and values the friendship above all other nations, fully admits and appreciates the many deep obligations to the U. S. and its people, and which has done you no wrong, has been forced into a position where, in defense of their very right to exist, they have been obliged to take up arms to meet the possible hostility of the country whose flag they revere and whose principals of liberty they love.

There is no record that the Provisional Government took up arms in preparation to resist the U. S. But there is a record that arms were used to police specifically the native Hawaiians and to hold them in subjugation contrary to statements made relative to revering principles of liberty and the right to exist by the Provisional Government.

Relative to the Alaskan Native Claims settlement of 1971 as CRS of 1973, Appendix II.

A dichotomy exists in the Hawaii versus Alaskan comparison regarding native people. In Hawaii in 1893 there was the effort to deny the native Hawaiian his existing self-determination in the overthrow of 1893. In Alaska in 1971 and some 78 years after the overthrow in Hawaii a new departure was designed for Alaskan natives. The Alaskan natives were made a settlement of $1 billion and awarded some 40 million acres of land, presumably recognizing natives vested rights or aboriginal title. In Alaska, it was a new departure to encourage self determination. It is difficult to fit aboriginal title to native Hawaiians although they have been identified as having vested rights. It seems inconsistent to deny native Hawaiians their self determination while encouraging other native people to so develop and exercise theirs.

Several previous discussions have occurred on the native Hawaiian claim. In 1976 there was discussion that six native Hawaiians would be recommended by the Governor of Hawaii and five would be chosen by the President of the U. S. for a total of eleven in a study commission. Of the latter five it was suggested that two each be selected from a roster of qualified American Indians and native Alaskans. Today there is a nine member study commision with all being chosen by the President in the ratio of six mainland mid-level government appointees and three from Hawaii to represent the native Hawaiian interest. The representation seems unbalanced and from the outset the Study Commission would be unable to agree on critical issues. The commission has not moved in concert, there is division and there are additional delays. On the principle issues the vote has been consistently that the six appointees register as a bloc and the three Hawaii representatives likewise for a 6 to 3 tally.

It has been noted that at the same time in 1976 that a budget was discussed for a study commission. Estimates of $750,000 to $1,000,000 were suggested. Meanwhile, a study to investigate the claims of Japanese American internees of WWII was appropriated $1.5 million and was to be later augmented by $500,000 more. Due to largely misunderstanding the native Hawaiian claim has been around for a lengthy ninety years. When discussions were again renewed was a boondoggle. When finally funded the native Hawaiian claim as the NATIVE HAWAIIANS STUDY COMMISSION was to receive an initial $50,000. This amount was later augmented by a small increase. The disparity in funding between the two studies is obvious. Under the circumstances a serious study of the Hawaiian claim does not seem possible as insufficient funding would influence making an in-depth investigation.

Consequently, the findings in the NATIVE HAWAIIANS STUDY COMMISSION report of Volume 1 are not complete. These discussion can be found in the Senate Joint Resolution (SJR) 155 on pages 396 and 397.

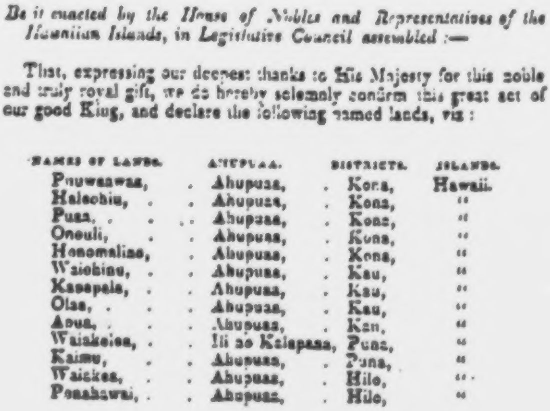
-SECTION D-

BASIS OF THE NATIVE HAWAIIAN CLAIM

Chapter 34

The origin to the native Hawaiian claim to their common lands comes by the following activities. After William Richards wrote the Declaration of Rights in 1839 came the Constitution of 1840. The Declaration of Rights would protect the commoners and chiefs lives and house lots from being taken, "except as provided by law."40/ In the debate over the development of the Constitution of 1840 it was not so much whether Hawaiian or Western law would prevail but rather would the primary influences be American or British. An argument that would continuously plague the Hawaiian government up to the overthrow.41/

On the 27th day of April 1845 the King (Kamehameha III) in Privy Council at the Council House in Honolulu passed an Act under the Constitution of 1840 as a supplement to the Statute Laws of Hawaii. The King first reserved for himself and the dignity of the Hawaiian Crown the lands of 79 ahupuaa, 51 ili and 2 loi to comprise the Crown Lands of approximately 900,000 acres to be held by his heirs and successors forever as the following:



Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :—

That, expressing our deepest thanks to His Majesty for this noble and truly royal gift, we do hereby solemnly confirm this great act of our good King, and declare the following named lands, viz :

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Puuwaawaa, .	Ahupuaa, .	Kona,	Hawaii.
Haleohiu, . .	Ahupuaa, .	Kona,	"
Puaa, . . .	Ahupuaa, .	Kona,	"
Onouli, . .	Ahupuaa, .	Kona,	"
Honomalino, .	Ahupuaa, .	Kona,	"
Waiohinu, . .	Ahupuaa, .	Kau,	"
Kapapala, . .	Ahupuaa, .	Kau,	"
Olaa, . . .	Ahupuaa, .	Kau,	"
Apua, . . .	Ahupuaa, .	Kau,	"
Waiakolea, . .	Ili no Kalapana,	Puna,	"
Kaimu, . .	Ahupuaa, .	Puna,	"
Waiakea, . .	Ahupuaa, .	Hilo,	"
Ponahawai, . .	Ahupuaa, .	Hilo,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Piihonua,	Ahupuaa,	Hilo,	Hawaii.
Humuula,	Ahupuaa,	Hilo,	"
Kalopa,	Ahupuaa,	Hamakua,	"
Honokaia,	Ahupuaa,	Hamakua,	"
Waipio,	Ahupuaa,	Hamakua,	"
Lalakea,	Ili no Waipio,	Hamakua,	"
Kaohia,	Ili no Waipio,	Hamakua,	"
Pohakumauluulu,	Ili no Waipio,	Hamakua,	"
Muliwai,	Ili no Waipio,	Hamakua,	"
Waimanu,	Ahupuaa,	Hamakua,	"
Pololu,	Ahupuaa,	Kohala,	"
Aamakao,	Ahupuaa,	Kohala,	"
Iole,	Ahupuaa,	Kohala,	"
Kaauhuhu,	Ahupuaa,	Kohala,	"
Kawaihae,	Ahupuaa,	Kohala,	"
Waimea,	Ahupuaa,	Kohala,	"
Puukapu,	i Waimea,	Kohala,	"
Mala,	Ahupuaa,	Lahaina,	Maui.
Alamihi,	Ahupuaa,	Lahaina,	Maui.
Kuholilea Hikina,	Ahupuaa,	Lahaina,	Maui.
Kuhua 1,	Ahupuaa,	Lahaina,	Maui.
Kuhua 2,	Ahupuaa,	Lahaina,	Maui.
Lapakea,	Ahupuaa,	Lahaina.	Maui.
Ilikahi,	Ahupuaa,	Lahaina,	Maui.
Opaeula,	Ahupuaa,	Lahaina,	Maui.
Polapola,	Ahupuaa,	Lahaina,	Maui.
Waianae,	Ahupuaa,	Lahaina,	Maui.
Wainee 1,	Ahupuaa,	Lahaina,	Maui.
Wainee 2,	Ahupuaa,	Lahaina,	Maui.
Puehuehu 1,	Ahupuaa,	Lahaina,	Maui.
Puehuehu 2,	Ahupuaa,	Lahaina,	Maui.
Kauaula,	Ahupuaa,	Lahaina,	Maui.
Olowalu,	Ahupuaa,	Olowalu,	Maui.
Ukumehame,	Ahupuaa,	Ukumehame,	Maui.
Aweoweo,	Ili i Ukumehame,	Ukumehame,	Maui.
Keokea,	Ahupuaa,	Kula,	Maui.
Kealahou 1,	Ahupuaa,	Kula,	Maui.
Kealahou 2,	Ahupuaa,	Kula,	Maui.
Waiohonu,	Ahupuaa,	Hana,	Maui.
Wailua,	Ahupuaa,	Hana,	Maui.
Wailua 1,	Ahupuaa,	Koolau,	Maui.
Wailua 2,	Ahupuaa,	Koolau,	Maui.
Keanae,	Ahupuaa,	Koolau,	Maui.
Honomanu,	Ahupuaa,	Koolau,	Maui.
Wailuku,	koe na Ili i na Konohiki,	Napoko,	Maui.
Poiipoli,	Ahupuaa,	Napoko,	Maui.
Kahakuloa,	Ahupuaa,	Kahakuloa,	Maui.
Waiokila,	Ili i Kahakuloa,	Kahakuloa,	Maui.
Napili,	Ahupuaa,	Kaanapali,	Maui.

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Polua,	Ahupuaa,	Kaanapali,	Maui.
Honokowai,	Ahupuaa,	Kaanapali,	Maui.
Ahoa,	Ahupuaa,	Kaanapali,	Maui.
Ualapue,	Ahupuaa,	Kona,	Molokai.
Kalamaula,	Ahupuaa,	Kona,	Molokai.
Palaau,	Ahupuaa,	Kona,	Molokai.
Kahauiki,	Ahupuaa,	Kona,	Oahu.
½ Kamookahi,	Ili i Kapalama,	Kona,	Oahu.
½ Kaukahoku,	Ili i Kapalama,	Kona,	Oahu.
½ Nauwala,	Ili i Kapalama,	Kona,	Oahu.
½ Paepaealii,	Ili i Kapalama,	Kona,	Oahu.
Kumupali,	Ili i Kapalama,	Kona,	Oahu.
½ Kawaiiki,	Ili i Honolulu,	Kona,	Oahu.
Kawaiiki,	Ili i Honolulu,	Kona,	Oahu.
Hauhnukoi,	Ili i Honolulu,	Kona,	Oahu.
Kahookane,	Ili i Honolulu,	Kona,	Oahu.
Luakaha,	Ili i Honolulu,	Kona,	Oahu.
½ Kawananakoa,	Ili i Honolulu,	Kona,	Oahu.
Kukanuka,	Ili i Honolulu,	Kona,	Oahu.
Kanaloa,	Ili i Honolulu,	Kona,	Oahu.
Kanehuna,	Ili i Honolulu,	Kona,	Oahu.
Auwaiolimu,	Ili i Honolulu,	Kona,	Oahu.
½ Pawaa,	Loi Ili o Waikiki,	Kona,	Oahu.
Pukele,	Ili o Waikiki,	Kona,	Oahu.
½ Kahaumakaawe 1,	Ili o Waikiki,	Kona,	Oahu.
½ Kahaumakaawe 2,	Ili o Waikiki,	Kona,	Oahu.
Halelena,	Ili o Waikiki,	Kona,	Oahu.
Mookahi 1,	Ili o Waikiki,	Kona,	Oahu.
Kaloiiki,	Ili o Waikiki,	Kona,	Oahu.
Mookahi 2,	Ili o Waikiki,	Kona,	Oahu.
Puahia,	Ili o Waikiki,	Kona,	Oahu.
Piliamoo,	Ili o Waikiki,	Kona,	Oahu.
Kaalawai,	Loi Ili o Waikiki,	Kona,	Oahu.
Kaiuaolohe,	Ili o Waikiki,	Kona,	Oahu.
Hamama,	Ili o Waikiki,	Kona,	Oahu.
½ Poloke,	Ili o Waikiki,	Kona,	Oahu.
Kahalaualuahine,	Ili o Waikiki,	Kona,	Oahu.
Waiomao,	Ili o Waikiki,	Kona,	Oahu.
Kaneloa,	Ili o Waikiki,	Kona,	Oahu.
½ Wailupe,	Ili o Waikiki,	Kona,	Oahu.
Waimanalo,	Ahupuaa,	Koolau Poko,	Oahu.
Kawailoa,	Ili i Kailua,	Koolau Poko,	Oahu.
Kaluapuhi,	Ili i Kaneohe,	Koolau Poko,	Oahu.
Halekou,	Ili i Kaneohe,	Koolau Poko,	Oahu.
Kuou,	Ili i Kaneohe,	Koolau Poko,	Oahu.
Waikalua,	Ili i Kaneohe,	Koolau Poko,	Oahu.
Keaahala,	Ili i Kaneohe,	Koolau Poko,	Oahu.
Kahalekauwila,	Ili i Kaneohe,	Koolau Poko,	Oahu.
Kanohouluiwi,	Ili i Kaneohe,	Koolau Poko,	Oahu.

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kahaluu,	Ahupuaa,	Koolau Poko,	Oahu.
Maluaka,	Ili o Waihee,	Koolau Poko,	Oahu.
Makawai,	Ili o Waiahole,	Koolau Poko,	Oahu.
Hopekea,	Ili o Waiahole,	Koolau Poko,	Oahu.
Kualoa 1,	Ahupuaa,	Koolau Poko,	Oahu.
Kualoa 2,	Ahupuaa,	Koolau Poko,	Oahu.
Hauula,	Ahupuaa,	Koolau Loa,	Oahu.
Kahuku,	Ahupuaa,	Koolau Loa,	Oahu.
Kawela,	Ahupuaa,	Koolau Loa,	Oahu.
Waialee,	Ahupuaa,	Koolau Loa,	Oahu.
Paumalu,	Ahupuaa,	Koolau Loa,	Oahu.
Pupukea,	Ahupuaa,	Koolau Loa,	Oahu.
Waianae,	Ahupuaa,	Waianae,	Oahu.
Ohua Waikakalaua,	Ili Waikele,	Ewa,	Oahu.
Papaa,	Ili Waikele,	Ewa,	Oahu.
½ Pouhala,	Ili Waikele,	Ewa,	Oahu.
Weioka,	Ili Waimano,	Ewa,	Oahu.
Honokawailani,	Ili Waiau,	Ewa,	Oahu.
Kauhihau,	Ili Waiau,	Ewa,	Oahu.
Aiea,	Ahupuaa,	Ewa,	Oahu.
Kalaheo,	Ahupuaa,	Kona,	Kauai.
Hanapepe,	Ahupuaa,	Kona,	Kauai.
Waimea,	Ahupuaa,	Kona,	Kauai.
Hanalei,	Ahupuaa,	Halelea,	Kauai.
Anahola,	Ahupuaa,	Koolau,	Kauai.
Kapaa,	Ahupuaa,	Puna,	Kauai.
Wailua,	Ahupuaa,	Puna,	Kauai.

To be the private lands of His Majesty Kamehameha III., to have and to hold to himself, his heirs, and successors, forever; and said lands shall be regulated and disposed of according to his royal will and pleasure subject only to the rights of tenants.

And be it further enacted, That we do hereby in the name of the Chiefs and People of the Hawaiian Islands, accept of the following lands, viz:

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Puuanahulu,	Ahupuaa,	Kona,	Hawaii.
Kukio 1,	Ahupuaa,	Kona,	"
Kukio 2,	Ahupuaa,	Kona,	"
Maniniowali,	Ahupuaa,	Kona,	"
Mahaiula,	Ahupuaa,	Kona,	"
½ Kaulana,	Ahupuaa,	Kona,	"
Awalua,	Ahupuaa,	Kona,	"
Ohiki,	Ahupuaa,	Kona,	"
Makaula,	Ahupuaa,	Kona,	"
Kalaoa 1,	Ahupuaa,	Kona,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kalaoa 2,	Ahupuaa,	Kona,	Hawaii.
Kalaoa 3,	Ahupuaa,	Kona,	"
Kalaoa 4,	Ahupuaa,	Kona,	"
Ooma 1,	Ahupuaa,	Kona,	"
Ooma 2,	Ahupuaa,	Kona,	"
Kohanaiki,	Ahupuaa,	Kona,	"
Elepaio,	Ili no Honokohau,	Kona,	"
Kalakehe,	Ahupuaa,	Kona,	"
Lanihau 2,	Ahupuaa,	Kona,	"
Honuaula,	Ahupuaa,	Kona,	"
Hianaloli 1,	Ahupuaa,	Kona,	"
Hianaloli 2,	Ahupuaa,	Kona,	"
Auhaukeae,	Ahupuaa,	Kona,	"
Puaa 3,	Ahupuaa,	Kona,	"
Puaa 2,	Ahupuaa,	Kona,	"
Kahului,	Ahupuaa,	Kona,	"
Lauia,	Ili i Holualoa, 2	Kona,	"
Koonai,	oia o Holualoa 3,	Kona,	"
Kaulehua,	Ili,	Kona,	"
Kamakaolohe,	Ili i Pahoehoe,	Kona,	"
Pahoehoe,	Ahupuaa,	Kona,	"
Pahoehoe,	Ahupuaa,	Kona,	"
Laaloa,	Ahupuaa,	Kona,	"
Kapalaalaea 2,	Ahupuaa,	Kona,	"
Honalo,	Ahupuaa,	Kona,	"
Maihi,	Ahupuaa,	Kona,	"
Kuamoo,	Ahupuaa,	Kona,	"
Lehuulaiki 2,	Ahupuaa,	Kona,	"
Honuaino,	Ahupuaa,	Kona,	"
Papalele,	Ili i Honuaino,	Kona,	"
Hokukano 1,	Ahupuaa,	Kona,	"
Hokukano 2,	Ahupuaa,	Kona,	"
Kanaueue 1,	Ahupuaa,	Kona,	"
Kanaueue 2,	Ahupuaa,	Kona,	"
Keekee 1,	Ahupuaa,	Kona,	"
Keekee 2,	Ahupuaa,	Kona,	"
Kanakau,	Ahupuaa,	Kona,	"
Kalukalu 1,	Ahupuaa,	Kona,	"
Kalukalu 2,	Ahupuaa,	Kona,	"
Keopuka 1,	Ahupuaa,	Kona,	"
Keopuka 2,	Ahupuaa,	Kona,	"
Kaawaloa,	Awa a me kahi honua i kai,	Kona,	"
Kealakekua,	Awa a me kahi honua i kai.	Kona,	"
Kiloa nui 1,	Ahupuaa,	Kona,	Hawaii.
Kiloa iki 2,	Ahupuaa,	Kona,	"
Kauahia,	Ili i Kiloaiki,	Kona,	"
Waipunaula 1,	Ahupuaa,	Kona,	"
Waipunaula iki 2,	Ahupuaa,	Kona,	"
Kalama 2,	Ahupuaa,	Kona,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kalama 5,	Ahupuaa,	Kona,	Hawaii.
Kipu,	Ili i Keei,	Kona,	"
Kaiko,	Ili i Kealia,	Kona,	"
Kauhako,	Ahupuaa,	Kona,	"
Kapuai,	Ili i Kalahiki,	Kona,	"
Waiea,	Ahupuaa,	Kona,	"
Pahoehoe 1,	Ahupuaa,	Kona,	"
Pahoehoe 2,	Ahupuaa,	Kona,	"
Pahoehoe 3,	Ahupuaa,	Kona,	"
Pahoehoe 4,	Ahupuaa,	Kona,	"
Maunaoui 1,	Ahupuaa,	Kona,	"
Maunaoui 2,	Ahupuaa,	Kona,	"
Maunaoui 3,	Ahupuaa,	Kona,	"
Maunaoui 4,	Ahupuaa,	Kona,	"
Maunaoui 5,	Ahupuaa,	Kona,	"
Maunaoui 6,	Ahupuaa,	Kona,	"
Makuu 1,	Ahupuaa,	Kona,	"
Makuu 2,	Ahupuaa,	Kona,	"
Haleili,	Ahupuaa,	Kona,	"
Haukalua,	Ahupuaa,	Kona,	"
Alae,	Ahupuaa,	Kona,	"
Pahoehoe 1,	Ahupuaa,	Kona,	"
Pahoehoe 2,	Ahupuaa,	Kona,	"
Kaohe 1,	Ahupuaa,	Kona,	"
Kaohe 2,	Ahupuaa,	Kona,	"
Kukuiopae,	Ahupuaa,	Kona,	"
Kolo,	Ahupuaa,	Kona,	"
Opihihali 1,	Ahupuaa,	Kona,	"
Opihihali 2,	Ahupuaa,	Kona,	"
Kipahoehoe,	Ahupuaa,	Kona,	"
Alika,	Ahupuaa,	Kona,	"
Papa 1,	Ahupuaa,	Kona,	"
Anapuka,	Ahupuaa,	Kona,	"
Hoopuloa,	Ahupuaa,	Kona,	"
Milolii,	Ahupuaa,	Kona,	"
Omokaa,	Ahupuaa,	Kona,	"
Okoe 1,	Ahupuaa,	Kona,	"
Okoe 2,	Ahupuaa,	Kona,	"
Kaulanamauna,	Ahupuaa,	Kona,	"
Manuka,	Ahupuaa,	Kau,	"
Kiao,	Ahupuaa,	Kau,	"
Manienie,	Ahupuaa,	Kau,	"
Puulena,	Ahupuaa,	Kau,	"
Keaa 1,	Ahupuaa,	Kau,	"
Keaa 2,	Ahupuaa,	Kau,	"
Kamaoa,	Ahupuaa,	Kau,	"
Waiopua,	Ahupuaa,	Kau,	"
Mohowae,	Ahupuaa,	Kau,	"
½ Puueo,	Ahupuaa,	Kau,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kau,	Ahupuaa,	Kau,	Hawaii.
Nukakaia,	Ahupuaa,	Kau,	"
Papohaku 1,	Ahupuaa,	Kau,	"
Papohaku 2,	Ahupuaa,	Kau,	"
Puuoehu,	Ahupuaa,	Kau,	Hawaii.
Kiolakaa,	Ahupuaa,	Kau,	Hawaii.
Kahaea,	Ahupuaa,	Kau,	Hawaii.
Kahilipali,	Ahupuaa,	Kau,	Hawaii.
Kawala,	Ahupuaa,	Kau,	Hawaii.
Aemalo,	Ahupuaa,	Kau,	Hawaii.
Poupouwela,	Ahupuaa,	Kau.	Hawaii.
Kaunamano,	Ahupuaa,	Kau.	Hawaii.
Papaikou 1,	Ahupuaa,	Kau,	Hawaii.
Papaikou 2,	Ahupuaa,	Kau,	Hawaii.
Papaikou 3,	Ahupuaa,	Kau,	Hawaii.
Hionaa,	Ahupuaa,	Kau,	Hawaii.
Hokukano,	Ahupuaa,	Kau,	Hawaii.
Kaalaiki,	Ahupuaa,	Kau,	"
Ninole,	Ahupuaa,	Kau,	"
Wailau,	Ahupuaa,	Kau,	"
Moaula,	Ahupuaa,	Kau,	"
Kopu,	Ahupuaa,	Kau,	"
Makaka,	Ahupuaa,	Kau,	"
Makaka,	Ahupuaa,	Kau,	"
Iliokoloa,	Ahupuaa,	Kau,	"
Wailoa,	Ahupuaa,	Kau,	"
Kaalaala,	Ahupuaa,	Kau,	"
Waimuku,	Ahupuaa,	Kau,	"
Waimuku,	Ahupuaa,	Kau,	"
Kealakomo me Kilauea,		Puna,	"
Panauiki.	Ahupuaa,	Puna,	"
Poupou 1,	Ahupuaa,	Puna,	"
Poupou 2,	Ahupuaa,	Puna,	"
Kapnahu,	Ahupuaa,	Puna,	"
Ki,	Ahupuaa,	Puna,	"
Kupahua,	Ahupuaa,	Puna,	"
3 Ili i Kupahua,	Ahupuaa,	Puna,	"
Lonokaeho,	Ili i Kupahua,	Puna,	"
Hapaiki,	Ili i Kupahua,	Puna,	"
Makena,	Ahupuaa,	Puna,	"
Kikala,	Ahupuaa,	Puna,	"
Kikala,	Ahupuaa,	Puna,	"
Keokea,	Ahupuaa,	Puna,	"
Keauohana,	Ahupuaa,	Puna,	"
Kamaili,	Ahupuaa,	Puna,	"
Kaualea,	Ahupuaa,	Puna,	Hawaii.
Pohoiki,	Ahupuaa,	Puna,	"
Opihikao,	Ahupuaa,	Puna,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Malama, . .	Ahupuaa,	Puna,	Hawaii.
Kaukulau, . .	Ahupuaa,	Puna,	"
Oneloa, . .	Ahupuaa,	Puna,	"
Aahalanui, . .	Ahupuaa,	Puna,	"
Kaniahiku, . .	Ili i Kapoho,	Puna,	"
Kanekiki, . .	Ahupuaa,	Puna,	"
Halepuaa, . .	Ahupuaa,	Puna,	"
Waawaa, . .	Ahupuaa,	Puna,	"
Nanawale, . .	Ahupuaa,	Puna,	"
Kaikawowo, .	Ili i Nanawale,	Puna,	"
Honolulu, . .	Ahupuaa,	Puna,	"
Kaohe, . .	Ahupuaa,	Puna,	"
Keonepoko, .	Ahupuaa,	Puna,	"
Popoki, . .	Ahupuaa,	Puna,	"
Halona, . .	Ahupuaa,	Puna,	"
Makuu, . .	Ahupuaa,	Puna,	"
Makaoku, . .	Ili i Waiakea,	Hilo,	"
Wainaku, . .	Ahupuaa,	Hilo,	"
Waialua, . .	Ahupuaa,	Hilo,	"
Mokuhonua, .	Ahupuaa,	Hilo,	"
Papaa, . .	Ahupuaa,	Hilo,	"
½ Kauhiula 1, .	Ahupuaa,	Hilo,	"
Kauhiula 2, .	Ahupuaa,	Hilo,	"
Kaiwiki 1, . .	Ahupuaa,	Hilo,	"
Kaiwikinui 2, .	Ahupuaa,	Hilo,	"
Maumau, . .	Ahupuaa,	Hilo,	"
Kikala, . .	Ahupuaa,	Hilo,	"
½ Pueopaku 1, .	Ahupuaa,	Hilo,	"
½ Paihaaloa, .	Ahupuaa,	Hilo,	"
Aleamai, . .	Ahupuaa,	Hilo,	"
Mokuhooniki, .	Ahupuaa,	Hilo,	"
Alakahi, . .	Ahupuaa,	Hilo,	"
Kahalii, . .	Ahupuaa,	Hilo,	"
Kawainui 1, .	Ahupuaa,	Hilo,	"
Kawainui 2, .	Ahupuaa,	Hilo,	"
Kulaimano, . .	Ahupuaa,	Hilo,	"
Kahua, . .	Ahupuaa,	Hilo,	"
Makea, . .	Ahupuaa,	Hilo,	"
Kaupakuea, .	Ahupuaa,	Hilo,	"
Kaoma, . .	Ahupuaa,	Hilo,	"
½ Kaoma, . .	Ahupuaa,	Hilo,	"
Kiapu, . .	Ahupuaa,	Hilo,	"
Haukalua 1, .	Ahupuaa,	Hilo,	"
Haukalua 2, .	Ahupuaa,	Hilo,	"
Nene, . .	Ahupuaa,	Hilo,	"
Kapehu, . .	Ahupuaa,	Hilo,	"
Malamaiki, . .	Ahupuaa,	Hilo,	"
Honomu, . .	Ahupuaa,	Hilo,	"
Kuhua, . .	Ahupuaa,	Hilo,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Kaiwiki,	Ahupuaa,	Hilo,	Hawaii.
Wailea,	Ahupuaa,	Hilo,	"
Kamaee 1,	Ahupuaa,	Hilo,	"
Kamaee 2,	Ahupuaa,	Hilo,	"
Kamaee 3,	Ahupuaa,	Hilo,	"
Kamaee 4,	Ahupuaa,	Hilo,	"
Umauma,	Ahupuaa,	Hilo,	"
Awapuhi,	Ahupuaa,	Hilo,	"
Paleau,	Ahupuaa,	Hilo,	"
Onea,	Ahupuaa,	Hilo,	"
Puaakuloa,	Ahupuaa,	Hilo,	"
Puuhune,	Ahupuaa,	Hilo,	"
Ninole,	Ahupuaa,	Hilo,	"
Puuohua,	Ahupuaa,	Hilo,	"
Puuohua,	Ahupuaa,	Hilo,	"
Kahinalo,	Ahupuaa,	Hilo,	"
Kulanakii,	Ahupuaa,	Hilo.	"
Pohakupuka,	Ahupuaa,	Hilo,	"
Puuohai,	Ahupuaa,	Hilo,	"
Paeohi,	Ahupuaa,	Hilo,	"
Kaalau 1,	Ahupuaa,	Hilo,	"
Kaalau 2,	Ahupuaa,	Hilo,	"
Kaalau 3,	Ahupuaa,	Hilo,	"
Kaalau 4,	Ahupuaa,	Hilo,	"
Kaiwilahilahi,	Ahupuaa,	Hilo,	"
Paapaaloa 1,	Ahupuaa,	Hilo,	Hawaii.
Paapaaloa 2,	Ahupuaa,	Hilo,	"
Kihalani 1,	Ahupuaa,	Hilo,	"
Kihalani 2,	Ahupuaa,	Hilo,	"
Pualaea,	Ahupuaa,	Hilo,	"
Kilau,	Ahupuaa,	Hilo,	"
Laupahoehoe,	Ahupuaa,	Hilo,	"
Laupahoehoe,	Ahupuaa,	Hilo,	"
Haakoa,	Ahupuaa,	Hilo,	"
Kuaia,	Ahupuaa,	Hilo,	"
Kaohaoha 1,	Ahupuaa,	Hilo,	"
Kaohaoha 2,	Ahupuaa,	Hilo,	"
Ulukanu,	Ahupuaa,	Hilo,	"
Ookala,	Ahupuaa,	Hilo.	"
Manowaialoe 1,	Ahupuaa,	Hamakua,	"
Manowaialee 2,	Ahupuaa,	Hamakua,	"
Manowaialee 3,	Ahupuaa,	Hamakua,	"
Kaholo 1,	Ahupuaa,	Hamakua,	"
Kaholo 2,	Ahupuaa.	Hamakua,	"
Kaapahu,	Ahupuaa,	Hamakua,	"
Maonakomalie,	Ahupuaa,	Hamakua,	"
Kuhia,	Ahupuaa,	Hamakua,	"
Kealakaha,	Ahupuaa,	Hamakua,	"
Hoea,	Ahupuaa,	Hamakua,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Manowaikohao,	Ahupuaa,	Hamakua,	Hawaii.
Manowaikohao,	Ahupuaa,	Hamakua,	"
Kaawikiwiki,	Ahupuaa,	Hamakua,	"
Kekualele,	Ahupuaa,	Hamakua,	"
Kekualele,	Ahupuaa,	Hamakua,	"
Kaao 1,	Ahupuaa,	Hamakua,	"
Kaao 2,	Ahupuaa,	Hamakua,	"
Kainehe,	Ahupuaa,	Hamakua,	"
Kaohe,	Ahupuaa,	Hamakua,	"
Aamanu,	Ahupuaa,	Hamakua,	"
Paauilo,	Ahupuaa,	Hamakua,	"
Kakaalaea,	Ahupuaa,	Hamakua,	"
Kamokala,	Ahupuaa,	Hamakua,	"
Hauola 1,	Ahupuaa,	Hamakua,	"
Hauola 2,	Ahupuaa,	Hamakua,	"
Opihilala 1,	Ahupuaa,	Hamakua,	"
Opihilala 2,	Ahupuaa,	Hamakua,	"
Opihilala 3,	Ahupuaa,	Hamakua,	"
Manienie,	Ahupuaa,	Hamakua,	"
Kamauli,	Ahupuaa,	Hamakua,	"
Kaulekohao,	Ahupuaa,	Hamakua,	"
Pahakuhaku,	Ahupuaa,	Hamakua,	"
Kemau,	Ahupuaa,	Hamakua,	"
Kaumoali,	Ahupuaa,	Hamakua,	"
½ Kaunamano,	Ahupuaa,	Hamakua,	"
Heneheneula 2,	Ahupuaa,	Hamakua,	"
Kalua 1,	Ahupuaa,	Hamakua,	"
Kalua 2,	Ahupuaa,	Hamakua,	"
¼ Kaapahu,	Ahupuaa,	Hamakua,	"
Waikaalulu 1,	Ahupuaa,	Hamakua,	"
Waikaalulu 2,	Ahupuaa,	Hamakua,	"
Kalua,	Ahupuaa,	Hamakua,	"
Keahua,	Ahupuaa,	Hamakua,	"
Kaao 1,	Ahupuaa,	Hamakua,	"
Kaao 2,	Ahupuaa,	Hamakua,	"
Ouhi,	Ahupuaa,	Hamakua,	"
Pakiloa,	Ahupuaa,	Hamakua,	"
Papaanui,	Ahupuaa,	Hamakua,	Hawaii.
Haina,	Ahupuaa,	Hamakua,	"
Lauka,	Ahupuaa,	Hamakua,	"
Ahualoa,	Ahupuaa,	Hamakua,	"
Au,	Ahupuaa,	Hamakua,	"
Kuilei,	Ahupuaa,	Hamakua,	"
½ Malanahae,	Ahupuaa,	Hamakua,	"
Haukoi,	Ahupuaa,	Hamakua,	"
Kaauhuhu,	Ahupuaa,	Hamakua,	"
Waialeale,	Ahupuaa,	Hamakua,	"
Waikoloa,	Ahupuaa,	Hamakua,	"
Puanui	Ahupuaa,	Hamakua,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Puopaha,	Ahupuaa,	Hamakua,	Hawaii.
Keaa 1,	Ahupuaa,	Hamakua,	“
Keaa 2,	Ahupuaa,	Hamakua,	“
Keaa 3,	Ahupuaa,	Hamakua,	“
Pueo, Ili no Waipio,	Ahupuaa,	Hamakua,	“
Laupahoehoe,	Ahupuaa,	Hamakua,	“
Nakooka,	Ahupuaa,	Hamakua,	“
Apua,	Ahupuaa,	Hamakua,	“
Waikapu,	Ahupuaa,	Hamakua,	“
Honopue,	Ahupuaa,	Hamakua,	“
Awini,	Ahupuaa,	Kohala,	“
Makanikahio,	Ahupuaa,	Kohala,	“
Hinaweo,	Ili i Niulii,	Kohala,	“
2 Ili i Niulii,	Ahupuaa,	Kohala,	“
Kaha, Ili i Niulii,	Ahupuaa,	Kohala,	“
½ Halawa,	Ahupuaa,	Kohala,	“
Pualoalo, Ili i Halawa,	Ahupuaa,	Kohala,	“
Hopeolaa, Ili i Halawa,	Ahupuaa,	Kohala,	“
Apuakohau,	Ahupuaa,	Kohala.	“
Kekikiki,	Ili i Apuakohau,	Kohala,	“
½ Pueke,	Ahupuaa,	Kohala,	“
Maulili,	Ahupuaa,	Kohala,	“
Halauia,	Ahupuaa,	Kohala,	“
Ainakeanui,	Ahupuaa,	Kohala,	“
Papiha,	Ili no Ainakeanui,	Kohala,	“
Ainakeaiki,	Ahupuaa,	Kohala,	“
Laaumama 1,	Ahupuaa,	Kohala,	“
Laaumama 2,	Ahupuaa,	Kohala,	“
Puehuehu,	Ahupuaa,	Kohala,	“
Kapua,	Ahupuaa,	Kohala,	“
Honomakau,	Ahupuaa,	Kohala,	“
Lanikele,	Ili i Honomakau,	Kohala,	“
Hawi,	Ahupuaa,	Kohala,	“
Kahei 1,	Ahupuaa,	Kohala,	“
Kahei 2,	Ahupuaa,	Kohala,	Hawaii,
Kahei 3,	Ahupuaa,	Kohala,	Hawaii,
Kahei 4,	Ahupuaa,	Kohala,	Hawaii,
Hualua,	Ahupuaa,	Kohala,	Hawaii,
Opihipau,	Ahupuaa,	Kohala,	Hawaii,
Hukiaa 2,	Ahupuaa,	Kohala,	Hawaii,
Puuepa, ma Mookini,	Ahupuaa,	Kohala,	Hawaii,
Kokoiki 1,	Ahupuaa,	Kohala,	Hawaii,
Kokoiki 2,	Ahupuaa,	Kohala,	Hawaii,
Upolu 1,	Ahupuaa,	Kohala,	Hawaii,
½ Upolu 2,	Ahupuaa,	Kohala,	Hawaii,
Honoipu,	Ahupuaa,	Kohala,	Hawaii,
Puakea 1,	Ahupuaa,	Kohala,	Hawaii,
Puakea 2,	Ahupuaa,	Kohala,	Hawaii,
Lahuiki,	Ili i Kukuipahu,	Kohala,	Hawaii,

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Awalua,	Ahupuaa,	Kohala,	Hawaii,
Haina,	Ahupuaa,	Kohala,	Hawaii,
Kapunapuna,	Ahupuaa,	Kohala,	Hawaii,
Kou,	Ahupuaa,	Kohala,	Hawaii,
Paopao,	Ahupuaa,	Kohala,	Hawaii,
Mahukona,	Awa a me kahi honua i kai,	Kohala,	Hawaii,
Mahukonapulehu,	Ahupuaa,	Kohala,	Hawaii,
Mahukonakaluapaa,	Ahupuaa,	Kohala,	Hawaii,
Hihiu 1,	Ahupuaa,	Kohala,	Hawaii,
Hihiu 2,	Ahupuaa,	Kohala,	Hawaii,
Lapakahi,	Ahupuaa,	Kohala,	Hawaii,
Lamaloloa,	Ahupuaa,	Kohala,	Hawaii,
½ Paoo 1,	Ahupuaa,	Kohala,	Hawaii,
Paoo 2,	Ahupuaa,	Kohala,	Hawaii,
Paoo 3,	Ahupuaa,	Kohala,	Hawaii,
Paoo 4,	Ahupuaa,	Kohala,	Hawaii,
Paoo 5,	Ahupuaa,	Kohala,	Hawaii,
Paoo 6,	Ahupuaa,	Kohala,	Hawaii,
Makeanehu 1,	Ahupuaa,	Kohala,	Hawaii,
Makeanehu 2,	Ahupuaa,	Kohala,	Hawaii,
Makeanehu 3,	Ahupuaa,	Kohala,	Hawaii,
Makeanehu 4,	Ahupuaa,	Kohala,	Hawaii,
Kipi,	Ahupuaa,	Kohala,	Hawaii,
Kehena 1,	Ahupuaa,	Kohala,	Hawaii,
Pohakulua,	Ahupuaa,	Kohala,	Hawaii,
Puaiki,	Ahupuaa,	Kohala,	Hawaii,
Kiiokalani,	Ahupuaa,	Kohala,	Hawaii,
Kaihoa 1,	Ahupuaa,	Kohala,	Hawaii,
Kaihou 2,	Ahupuaa,	Kohala,	Hawaii,
Kokio,	Ahupuaa,	Kohala,	Hawaii,
Kalala,	Ahupuaa,	Kohala,	Hawaii,
Kalala,	Ahupuaa,	Kohala,	Hawaii,
Pauahi 1,	Ahupuaa,	Kohala,	Hawaii,
Pauahi 2,	Ahupuaa,	Kohala,	Hawaii,
Lanikepue,	Ahupuaa,	Kohala,	Hawaii,
Waawaa,	Ahupuaa,	Kohala,	Hawaii,
½ Kapunakea,	Ahupuaa,	Lahaina,	Maui,
½ Puuki,	Ahupuaa,	Lahaina,	Maui,
Moanui,	Ahupuaa,	Lahaina,	Maui,
½ Kuholilea,	Ahupuaa,	Lahaina,	Maui,
½ Uhao,	Ahupuaa,	Lahaina,	Maui,
½ Puahoowale,	Ahupuaa,	Lahaina,	Maui,
½ Kooka,	Ahupuaa,	Lahaina,	Maui,
½ Puunauiki,	Ahupuaa,	Lahaina,	Maui.
Kamaole,	Ahupuaa,	Kula,	Maui,
Naalae,	Ahupuaa,	Kula,	Maui,
Waiokoa,	Ahupuaa,	Kula,	Maui,
Kamehame 1,	Ahupuaa,	Kula,	Maui,

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NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kamchame 2,	Ahupuaa,	Kula,	Maui,
Pulehu,	Ahupuaa,	Kula,	Maui,
Omaopio 6,	Ahupuaa,	Kula,	Maui,
Omaopio 7,	Ahupuaa,	Kula,	Maui,
Omaopio 8,	Ahupuaa,	Kula,	Maui,
Omaopio 9,	Ahupuaa,	Kula,	Maui,
Omaopio 10,	Ahupuaa,	Kula,	Maui,
Omaopio 11,	Ahupuaa,	Kula,	Maui,
Aapueo 3,	Ahupuaa,	Kula,	Maui,
Aapueo,	Ahupuaa,	Kula,	Maui,
Kukuiaio,	Ahupuaa,	Kula,	Maui,
Kauau 1,	Ahupuaa,	Kula,	Maui,
Kauau 2,	Ahupuaa,	Kula,	Maui,
Koheilo 1,	Ahupuaa,	Kula,	Maui,
Koheilo 2,	Ahupuaa,	Kula,	Maui,
Keahua,	Ahupuaa,	Kula,	Maui,
Hokuula,	Ahupuaa,	Kula,	Maui,
Ahupau,	Ahupuaa;	Kula,	Maui,
Paeahu 1,	Ahupuaa,	Honuaula,	Maui,
Paeahu 2,	Ahupuaa,	Honuaula,	Maui,
Kalihi 1,	Ahupuaa,	Honuaula,	Maui,
Kalihi 2,	Ahupuaa,	Honuaula,	Maui,
Waipao,	Ahupuaa,	Honuaula,	Maui,
Papaa,	Ahupuaa,	Honuaula.	Maui,
½ Kaeo,	Ahupuaa,	Honuaula,	Maui,
Maluaka,	Ahupuaa,	Honuaula,	Maui,
Mohopilo 1,	Ahupuaa,	Honuaula,	Maui,
Mohopilo 2,	Ahupuaa,	Honuaula,	Maui,
Mooiki,	Ahupuaa,	Honuaula,	Maui,
Mooloa,	Ahupuaa,	Honuaula,	Maui,
Moomuku,	Ahupuaa,	Honuaula,	Maui,
Onau,	Ahupuaa,	Honuaula,	Maui,
Kualapa,	Ahupuaa,	Honuaula,	Maui,
Papaka,	Ahupuaa,	Honuaula,	Maui,
Kaunuahane,	Ahupuaa,	Honuaula,	Maui,
Kaloi,	Ahupuaa,	Honuaula,	Maui,
Kanaio,	Ahupuaa,	Honuaula,	Maui,
Kahikinui,	he Moku;	Kahikinui,	Maui,
Kaupo,	66 Ahupuaa,	Kaupo,	Maui,
Kaupo, koe na ku i keia mahele,		Kaupo,	Maui,
Kukuiulaiki,	Ahupuaa,	Kipahulu,	Maui,
Popoloa,	Ahupuaa,	Kipahulu,	Maui,
Popoloa,	Ahupuaa,	Kipahulu,	Maui,
Kapuaikini,	Ahupuaa,	Kipahulu,	Maui,
Kapuaikini,	Ahupuaa,	Kipahulu,	Maui.
Kaehoeho,	Ahupuaa,	Kipahulu,	Maui,
Poponui,	Ahupuaa,	Kipahulu,	Maui,
Kakanoni,	Ahupuaa,	Kipahulu,	Maui,
Maulili,	Ahupuaa,	Kipahulu,	Maui,

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kikoo,	Ahupuaa,	Kipahulu,	Maui,
Kalena,	Ahupuaa,	Kipahulu,	Maui,
Kalenaiki,	Ahupuaa.	Kipahulu,	Maui,
Halemano,	Ahupuaa,	Kipahulu,	Maui,
Nailiilipoko 1,	Ahupuaa,	Kipahulu,	Maui,
Nailiilipoko 2,	Ahupuaa,	Kipahulu,	Maui,
Wailamoa, aoao ma	Hana,	Kipahulu,	Maui,
Wailamoa, aoao ma	Kaupo,	Kipahulu,	Maui,
Kakalahale 1,	Ahupuaa,	Kipahulu,	Maui,
Kakalahale 2,	Ahupuaa,	Kipahulu,	Maui,
Alae.	Ahupuaa,	Kipahulu,	Maui,
Kaumakani,	Ahupuaa,	Kipahulu,	Maui,
Koanawai,	Ahupuaa,	Kipahulu,	Maui,
Koali,	Ahupuaa,	Hana,	Maui,
Maakaalae,	Ahupuaa,	Hana,	Maui,
Wananalua 1,	Ahupuaa,	Hana,	Maui,
Wanalnaua 2,	Ahupuaa,	Hana,	Maui,
Wakiu,	Ahupuaa,	Hana,	Maui,
½ Honomaele,	Ahupuaa,	Hana,	Maui,
Koolau,	he Moku,	Koolau,	Maui,
Keaa,	Ahupuaa,	Koolau,	Maui,
Hanawana,	Ahupuaa,	Hamakualoa,	Maui,
Hoalua,	Ahupuaa,	Hamakualoa,	Maui,
Hanehoi 1,	Ahupuaa,	Hamakualoa,	Maui,
Haneboi 2,	Ahupuaa,	Hamakualoa,	Maui,
Poulua 1,	Ahupuaa,	Hamakualoa,	Maui,
Poulua 2,			
Honokala,	Ahupuaa,	Hamakualoa,	Maui,
Papaaea,			
Holowa,			
Kuiaha,			
Honopou,	Ahupuaa,	Hamakualoa,	Maui,
Pauwela,	Ahupuaa.	Hamakualoa,	Maui,
Ouaoa,	Ahupuaa,	Hamakualoa,	Maui,
Peahi 1,	Ahupuaa,	Hamakualoa,	Maui,
Peahi 2,	Akupuaa,	Hamakualoa,	Maui,
½ Hamakuapoko,	½ Hikina,	Hamakuapoko,	Maui,
Paniau,	Ahupuaa,	Hamakuapoko,	Maui,
Makawao,	Ahupuaa,	Kula,	Maui,
Kealakekua,	Ahupuaa,	Kula,	Maui,
Kapalaia,	Ahupuaa,	Kula,	Maui,
Kealia,	Ahupuaa,	Kula,	Maui,
Honokohau,	Ahupuaa,	Kaanapali,	Maui,
Kahana 1,	Ahupuaa,	Kaanapali,	Maui,
Kahana 2,	Ahupuaa,	Kaanapali,	Maui,
Mahinahina 1,	Ahupuaa,	Kaanapali,	Maui,
Mahinahina 2,	Ahupuaa,	Kaanapali,	Maui,
Mahinahina 3,	Ahupuaa,	Kaanapali,	Maui,
Lupehu,	Ahupuaa,	Kona,	Molokai,

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Onoulimaloo,	Ahupuaa;	Kona,	Molokai,
Onouliwai,	Ahupuaa,	Kona,	Molokai,
Moanui,	Ahupuaa,	Kona,	Molokai,
Poniuohua,	Ahupuaa,	Kona,	Molokai,
½ Poniuohua,	Ahupuaa,	Kona,	Molokai,
Kawaikapu,	Ahupuaa,	Kona,	Molokai,
¼ Kamanoni,	Ahupuaa,	Kona,	Molokai,
½ Ahaino,	Ahupuaa,	Kona,	Molokai,
Pukoa 2,	Ahupuaa,	Kona,	Molokai;
Pukoa 1,	Ahupuaa,	Kona,	Molokai,
Kaluaaha,	Ahupuaa,	Kona,	Molokai,
½ Kahunanui,	Ahupuaa,	Kona,	Molokai,
Ohia 1, *Hikina*,	Ahupuaa,	Kona,	Molokai,
Kaamola 1,	Ahupuaa,	Kona,	Molokai,
Kaamola 2,	Ahupuaa,	Kona,	Molokai,
Kaamola 3,	Ahupuaa,	Kona,	Molokai,
Kaamola 4,	Ahupuaa,	Kona,	Monokai,
½ Kaamola 5,	Ahupuaa,	Kona,	Molokai,
¼ Kaamola 6,	Ahupuaa,	Kona,	Molokai,
Heanaokuino,	Ahupuaa,	Kona,	Molokai,
Makakupaianui,	Ahupuaa,	Kona,	Molokai,
¼ Kamiloloa,	Ahupuaa,	Kona;	Molokai,
½ Kahanui,	Ahupuaa.	Kona,	Molokai,
Hoolehua,	Ahupuaa,	Kona,	Molokai,
Kaluakoi 1,	Ahupuaa,	Kaluakoi,	Molokai,
Kaluakoi 2,	Ahupuaa,	Kaluakoi,	Molokai,
Manowainui,	Ahupuaa,	Kalae,	Molokai,
Hipu,	Ahupuaa,	Kalae,	Molokai,
Mahulile,	Ahupuaa,	Koolau,	Molokai,
Pohakuloa,	Ahupuaa,	Koolau,	Molokai,
Hawaluna,	Ahupuaa,	Koolau,	Molokai,
Halawao,	Ahupuaa,	Koolau,	Molokai,
Manienie, *Ili o Waikolu*,	Ahupuaa,	Koolau,	Molokai,
Haulei,	Ahupuaa,	Koolau,	Molokai,
Hainalu,	Ahupuaa,	Koolau,	Molokai,
Kahoolawe,	Mokupuni Okoa,	"	Kaholawe,
Puunui 1,	Ili no Honolulu,	Kona,	Oahu,
Puunui 2,	Ili no Honolulu,	Kona,	Oahu,
Puunui 3.	Ili no Honolulu,	Kona,	Oahu,
Alewa,	Ili no Honolulu,	Kona,	Oahu,
Hahapaakai,	Ili no Honolulu,	Kona,	Oahu,
Huwili,	Ili no Honolulu,	Kona,	Oahu,
Lapiwai 1,	Ili no Honolulu,	Kona,	Oahu,
Lapiwai 2,	Ili no Honolulu,	Kona,	Oahu,
Luhimana,	Ili no Honolulu,	Kona,	Oahu,
Hauhaukoi,	Ili no Honolulu,	Kona,	Oahu,
Aala,	Ili no Honolulu.	Kona,	Oahu,
Huaimla,	Ili no Honolulu,	Kona,	Oahu,
Laukalo,	Ili no Honolulu,	Kona,	Oahu,

Bureau of Conveyances

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Hunawai,	Ili no Honolulu,	Kona,	Oahu,
Huaipaako,	Ili no Honolulu,	Kona,	Oahu,
Apowale,	Ili no Honolulu,	Kona,	Oahu,
Oloku,	Ili no Honolulu,	Kona,	Oahu,
Palikea,	Ili no Honolulu,	Kona,	Oahu,
Niupaipai,	Ili no Honolulu,	Kona,	Oahu,
Kawananakoa Kaolu,	Ili no Honolulu,	Kona,	Oahu,
Kahoi,	Ili no Honolulu,	Kona,	Oahu,
Pouhuluhulu,	Ili no Honolulu,	Kona,	Oahu,
Kaukahoku,	Ili no Honolulu,	Kona,	Oahu,
Punaanana,	Ili no Honolulu,	Kona,	Oahu,
Puiwa,	Ili no Honolulu,	Kona,	Oahu,
Kapalepo,	Ili no Honolulu,	Kona,	Oahu,
Olomana,	Ili no Honolulu,	Kona,	Oahu,
Kalokohonu,	Ili no Honolulu,	Kona.	Oahu,
Kaikahi,	Ili no Honolulu,	Kona,	Oahu,
Kaalaalalo,	Ili no Honolulu,	Kona,	Oahu,
Kaaleo,	Ili no Honolulu,	Kona,	Oahu;
Keonepanee,	Ili no Kalihi,	Kona,	Oahu,
Kaluanuau,	Ili no Kalihi,	Kona,	Oahu,
Kalia,	Ili no Waikiki,	Kona,	Oahu,
Kaluaolohe,	Ili no Waikiki,	Kona,	Oahu,
Haole,	Ili no Waikiki,	Kona,	Oahu,
Halelena,	Ili no Waikiki,	Kona,	Oahu,
Waihinalo,	Ili no Waikiki,	Kona,	Oahu,
Kumuulu,	Ili no Waikiki,	Kona,	Oahu,
Kahoiwai,	Ili no Waikiki,	Kona,	Oahu,
Kaluaalaea,	Ili no Waikiki,	Kona,	Oahu,
Waihi,	Ili no Waikiki,	Kona,	Oahu,
Hapuna,	Ili no Waikiki,	Kona,	Oahu,
Kaaumoa,	Ili no Waikiki,	Kona,	Oahu,
Waiaka,	Ili no Waikiki,	Kona,	Oahu,
Pahupahuapuaa,	Ili no Waikiki,	Kona,	Oahu,
Nukunukuaula,	Ili no Waikiki,	Kona,	Oahu,
Auaukai,	Ili no Waikiki,	Kona,	Oahu,
Mookahi,	Ili no Waikiki,	Kona,	Oahu,
Pawaa, *o Maelo*,	Ili no Waikiki,	Kona,	Oahu,
Kaluahole,	Ili no Waikiki,	Kona,	Oahu,
Mahani,	Ili no Kalihi,	Kona,	Oahu,
Niau 1,	Ili no Kalihi,	Kona.	Oahu,
Niau 2,	Ili no Kalihi,	Kona,	Oahu,
Pohakea,	Ili no Kailua,	Koolaupoko,	Oahu,
Waipakiki,	Ili no Kailua,	Koolaupoko,	Oahu,
Kamakalepo,	Ili no Kailua,	Koolaupoko,	Oahu,
Kohanaiki,	Ili no Kailua,	Koolaupoko,	Oahu,
Pookea,	Ili no Kailua,	Koolaupoko,	Oahu,
Malamalama,	Ili no Kailua,	Koolaupoko,	Oahu,
Kunilima,	Ili no Kailua,	Koolaupoko,	Oahu,
Kaioa,	Ili no Kailua,	Koolaupoko,	Oahu,

Bureau of Conv

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Waimaauau,	Ili no Kailua,	Koolaupoko,	Oahu,
Maunawili,	Ili no Kailua,	Koolaupoko,	Oahu,
Puanea,	Ili no Kailua,	Koolaupoko,	Oahu,
Pohakea,	Ili no Kailua,	Koolaupoko,	Oahu,
Kalaheo,	Ili no Kailua,	Koolaupoko,	Oahu,
Kapaeli,	Ili no Kailua,	Koolaupoko,	Oahu,
Waiopihi,	Ili no Kailua,	Koolaupoko,	Oahu,
Kahoa,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kapakapa,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kaluaihakoko,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Manulele,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kaohia,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kaeleuli,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kaaihee,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kaulu,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kaimi,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kapalai,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kaanokama,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kukanono,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kapaloa,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kulapuaa,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kalelekamani,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Paalae,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Manu,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kionaole,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Pohakupu 1,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Pohakupu 2,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kapia,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Kalaepaa,	Ili no Kailua,	Koolaupoko,	Oahu,
½ Puukaeo,	Ili no Kailua,	Koolaupoko,	Oahu,
Waiohaka,	Ili no Kaneohe,	Koolaupoko,	Oahu,
Waikapoki,	Ili no Kaneohe,	Koolaupoko,	Oahu,
Puiwa,	Ili no Kaneohe,	Koolaupoko,	Oahu,
Lilipuna,	Ili no Kaneohe,	Koolaupoko,	Oahu,
½ Kahuauli,	Ili no Kaneohe,	Koolaupoko,	Oahu,
½ Wailele,	Ili no Kaneohe,	Koolaupoko,	Oahu,
½ Punaluu,	Ili no Kaneohe,	Koolaupoko,	Oahu,
½ Puawahakea,	Ili no Kaneohe,	Koolaupoko,	Oahu,
½ Pakui,	Ili no Kaneohe,	Koolaupoko,	Oahu,
½ Hooleinaiwa,	Ili no Kaneohe,	Koolaupoko,	Oahu,
Iolekaa,	Ili no Heeia,	Koolaupoko,	Oahu,
Luukoi,	Ili no Kahaluu,	Koolaupoko,	Oahu,
Waihee,	Ahupuaa i Waihee,	Koolaupoko,	Oahu,
Kapuna,	Ili no Waihee,	Koolaupoko,	Oahu,
Kihewa,	Ili no Waihee,	Koolaupoko,	Oahu,
Kaninia,	Ili no Waihee,	Koolaupoko,	Oahu,
Keahupuolo,	Ili no Waihee,	Koolaupoko,	Oahu,
Mauinoni,	Ili no Waihee,	Koolaupoko,	Oahu,
Ainoni,	Ili no Waihee,	Koolaupoko,	Oahu,

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Kaululoa, .	Ili no Waihee,	Koolaupoko,	Oahu,
Kaieie, . .	Ili no Kaalaea,	Koolaupoko,	Oahu,
½ Apuakuikui, .	Ili no Kaalaea,	Koolaupoko,	Oahu,
Makaniilua, . .	Ili no Waiahole,	Koolaupoko,	Oahu,
Apua, . . .	Ili no Waiahole,	Koolaupoko,	Oahu,
Kuaiomuku, ..	Ili no Waiahole,	Koolaupoko,	Oahu,
Kaaniu, . .	Ili no Waiahole,	Koolaupoko,	Oahu,
Kupapaulau, .	Ili no Waiahole,	Koolaupoko,	Oahu,
Poea, . . .	Ili no Waiahole,	Koolaupoko,	Oahu,
Kumupali, . .	Ili no Waiahole,	Koolaupoko,	Oahu,
Ii, ...	Ili no Waiahole,	Koolaupoko,	Oahu,
Poahamai, . .	Ili no Waiahole,	Koolaupoko,	Oahu,
Kapuakea, . .	Ili no Waiahole,	Koolaupoko,	Oahu,
Uwau, . . .	Ili no Waiahole,	Koolaupono,	Oahu,
Waikane, . .	Ahupuaa i Waikane,	Koolauooko,	Oahu,
Kahalaa, . .	Ili no Waikane,	Koolaupoko,	Oahu,
Kaiiki, . . .	Ili no Waikane,	Koolaupoko,	Oahu,
Pahalona, . .	Ili no Hakipuu,	Koolaupoko,	Oahu,
Puukaluha. .. .	Ili no Hakipuu,	Koolaupoko,	Oahu,
Lupehu, . .	Ili no Hakipuu,	Koolaupoko,	Oahu,
½ Kanohuanahopu,	Ili no Hakipuu,	Koolaupoko,	Oahu,
Kaaawa, . .	Ahupuaa,	Koolauloa,	Oahu,
Makaua, . .	Ahupuaa,	Koolauloa,	Oahu,
Waiono, . .	Ahupuaa,	Koolauloa,	Oahu,
Puheemiki, . .	Ahupuaa,	Koolauloa,	Oahu,
Kapano, . .	Ahupuaa,	Koolauloa,	Oahu,
Kaipapau, . .	Ahupuaa,	Koolauloa,	Oahu,
½ Keana, . .	Ahupuaa,	Koolauloa,	Oahu,
Ulupehupehu, .	Ahupuaa,	Koolauloa,	Oahu,
Oio 1, . . .	Ahupuaa,	Koolauloa,	Oahu,
Oio 2, . . .	Ahupuaa,	Koolauloa,	Oahu,
Hanakaoe, . .	Ahupuaa,	Koolauloa,	Oahu,
Opana 1, . .	Ahupuaa,	Koolauloa,	Oahu,
Opana 2, . .	Ahupuaa,	Koolauloa,	Oahu,
½ Waimea, . .	Ahupuaa,	Koolauloa,	Oahu,
Kamananui, .	Ahupuaa,	Waialua,	Oahu,
Mokuleia 1, .	Ahupuaa,	Waialua,	Oahu,
Mokuleia 2, .	Ahupuaa,	Waialua,	Oahu,
Kawaihapai, ..	Ahupuaa,	Waialua,	Oahu,
Kealia, . .	Ahupuaa,	Waialua,	Oahu,
Kaena, . .	Ahupuaa,	Waialua,	Oahu,
½ Keawaula, .	Ahupuaa,	Waianae,	Oahu,
½ Kahanahaiki, .	Ahupuaa,	Waianae,	Oahu,
Makua, . .	Ahupuaa,	Waianae,	Oahu,
½ Kalena, . .	Ili no Waianae,	Waianae,	Oahu,
Ulemoku, . .	Ili no Waikele,	Ewa,	Oahu,
Kaohai, . .	Ili no Waikele,	Ewa,	Oahu,
Onio, . . .	Ili no Waikele,	Ewa,	Oahu,

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kahakuohia,	Ili no Waikele,	Ewa,	Oahu,
Waikele,	Ili no Waikele,	Ewa,	Oahu,
Paiwa,	Ili no Waikele,	Ewa,	Oahu,
Kahaupuupuu,	Ili no Waikele,	Ewa,	Oahu,
Waipahu,	Ili no Waikele,	Ewa,	Oahu,
Ulumalu,	Ili no Waikele,	Ewa,	Oahu,
½ Auiole,	Ili no Waikele,	Ewa,	Oahu,
½ Kanupoo,	Ili no Waikele,	Ewa,	Oahu,
½ Honopue,	Ili no Waipio,	Ewa,	Oahu,
¼ Ulu,	Ili no Waipio,	Ewa,	Oahu,
Mananauka,	Ili na Mananaiki,	Ewa,	Oahu,
Kalanihale,	Ili no Mananaiki,	Ewa,	Oahu,
Kai,	Ili no Mananaiki,	Ewa,	Oahu,
Lihue,	Ili no Manananui,	Ewa,	Oahu,
Kaihuokapuaa,	Ili no Waimano,	Ewa,	Oahu,
Kahapapa,	Ili no Waimano,	Ewa,	Oahu,
Pualehua,	Ili no Waimano,	Ewa,	Oahu,
Puukapu 1,	Ili no Waimano,	Ewa,	Oahu,
Puukapu 2,	Ili no Waimano,	Ewa,	Oahu,
½ Lopa,	Ili no Waimano,	Ewa,	Oahu,
Naliina,	Ili no Waiau,	Ewa,	Oahu,
Naono,	Ili no Waiau,	Ewa,	Oahu,
¼ Kalunaolohe,	Ili no Waiau,	Ewa,	Oahu,
Kahalaa,	Ili no Waimalu,	Ewa,	Oahu,
Kaumiumi,	Ili no Waimalu,	Ewa,	Oahu,
½ Pohakupu,	Ili no Waimalu,	Ewa,	Oahu,
½ Anana,	Ili no Waimalu,	Ewa,	Oahu,
½ Kahikiea,	Ili no Waimalu,	Ewa,	Oahu,
¼ Kapaeli,	Ili no Kalauao,	Ewa,	Oahu,
½ Kauapoolei,	Ili no Kalauao,	Ewa,	Oahu,
½ Kauaopai,	Ili no Kalauao,	Ewa,	Oahu,
½ Kahawai,	Ili no Kalauao,	Ewa,	Oahu,
¼ Kapuai,	Ili no Kalauao,	Ewa,	Oahu,
Maona,	Ili no Kalauao,	Ewa,	Oahu,
½ Kionawawana,	Ili no Kalihi,	Kona,	Oahu,
½ Kunehau,	Ili no Kalihi,	Kona,	Oahu,
¼ Kalaepaa,	Ili no Kalihi,	Kona,	Oahu,
Kaluaopalena,	Ili no Kalihi,	Kona,	Oahu,
Keauhou,	Ili no Kalihi,	Kona,	Oahu,
½ Pawaa,	Ili no Waikiki,	Kona,	Oahu,
Kukuluaeo,	Ili no Waikiki,	Kona,	Oahu,
¼ Kaalawai, *he kula wale no*,	Ili no Waikiki,	Kona,	Oahu,
Weliweli,	Ahupuaa,	Kona,	Kauai,
Koloa Hikina,	Ahupuaa,	Kona,	"
Koloa Komohana,	Ahupuaa,	Kona,	"
Wahiawa,	Ahupuaa,	Kona,	"
½ Punalau,	Ili no Hanapepe,	Kona,	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Koula, . .	Ili no Hanapepe,	Kona,	Kauai
Makaweli, . .	Ahupuaa, Eia na ili a me na Moo, a me na Loi, no koa.	Kona,	"
Honopu, . .	Ahupuaa,	Napali,	"
Kalalau, . .	Ahupuaa,	Napali,	"
Pohakuao, . .	Ahupuaa,	Napali,	"
½ Hunokoa, .	Ahupuaa,	Napali,	"
Hanakapiai, .	Ahupuaa,	Napali,	"
Waioli, . .	Ahupuaa,	Halelea,	Kauai,
Kilauea, . .	Ahupuaa,	Koolau,	Kauai,
Waiakalua Hikina,	Ahupuaa,	Koolau,	"
Pilaa, *kekahi aoao*,	Ahupuaa,	Koolau,	"
Moloaa, . .	Ahupuaa,	Koolau,	"
Papaa, . .	Ahupuaa,	Koolau,	"
Aliomanu, . .	Ahupuaa,	Koolau,	"
Homaikawaa, .	Ahupuaa,	Koolau,	"
Halaula, . .	Ahunuaa,	Koolau,	"
Ulakiu, Ili no Kapaa,	Ahupuaa,	Puna,	Kauai,
Paikahawai, Ili no Kapaa,	Ahupuaa,	Puna,	"
½ Olohena, . .	Ahupuaa,	Puna,	"
Kikiaola, . .	Ili no Waimea,	Kona,	Hauai,
Niihau, . .	Ka Mokupuni,	"	Niihau,
Pohueloa, . .	Ahupuaa,		Niihau,
Kaluahonu. . .	Ahupuaa,		Niihau,
Pauahula, . .	Ahupuaa,		Niihau,

Made over to the Chiefs and People, by our Sovereign Lord the King, and we do hereby declare those lands to be set apart as the lands of the Hawaiian Government, subject always to the rights of tenants. And we do hereby appoint the Minister of the Interior and his successors in office, to direct, superintend, and dispose of said lands, as provided in the Act to organize the Executive Departments, done and passed at the Council House in Honolulu, the 27th day of April, A. D., 1845: Provided, however, that the Minister of the Interior and his successors in office shall have the power, upon the approval of the King in Privy Council, to dispose of the government lands to Hawaiian subjects, upon such other terms and conditions as to him and the King in Privy Council, may seem best for the promotion of agriculture, and the best interests of the Hawaiian Kingdom:

And be it further enacted, That, in accordance with ancient custom, the following land, viz:

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kuwili, . .	Ili no Honolulu,	Kona,	Oahu,
Kuhimana, . .	Ili no Honolulu,	"	Oahu,
Hauhaukoi, . .	Ili no Honolulu,	"	Oahu,

The second and larger part of the King's Royal Domain to the Chiefs and People comprised 544 ahupuaa, 197 ili, 4 moku (islands), 3 awa honua, 2 aoao, 1 oia, 1 hikino, 1 loi and 1 mahele. These area designations totaled about 3,200,000 acres. By 1848 the Mahele (Great) had been finalized. The intent of the Mahele as seen by one of its architects, Chief Justice Lee was to define the commoners rights so that they might have something of their own.42/ As president of the Board of Commissioners to Quiet Land Titles Lee drafted the principles that became statue law. In the principles the Board of Commissioners concluded that there were "but three classes of persons having vested rights in the lands;" First, the Government (here treated synonymous with the king); second, the landlord; and third, the tenant. The tenants or commoners were not over looked as all lands were subject to the rights of the tenants amd implied that the commoners were entitled to one-third of all of the lands. As directed in the King's 1845 Supplement to the Statute Laws the Minister of the Interior Dr. G. P. Judd could dispose of government lands to Hawaiian subjects.43/ Minister Judd explained at the time, "in this endeavor we shall only do the poor natives justice, for by the principle adopted by the Land Commission, the poor natives are entitled to one-third the Kingdom."

It was in 1846 that native Hawaiian writer, David Malo was to say, "I believe it best that at this time, the people should own lands as they do in foreign lands; they (the people in foreign lands) work all the harder knowing they own their country, and why they do not go to other places and perhaps that is the reason why they are great farmers."

Hawaiians like other native peoples are indigneous to their particular home regions. However means native people migrate to their respective regions to remain and live they must make the region habitable. Hawaiians made Hawaii habitable with their fauna and flora on highly cultivated lands. They must organize to keep their homeland productive on a sustained basis. This is especially true to islands like Hawaii which supported some 400,000 estimated natives at Captain Cook's arrival on January 15, 1778, a fateful date. A record of Cook's arrival reveals that the natives were friendly, docile and a happy healthy people.

Hawaiians were organized to continue to exist by the example of King Kualii declaring the "Kanawai" in 1600 A. D. and the kapu system of laws. For a time Hawaii enjoyed at least four separate kingdoms. By the late 1700's there was one united kingdom under Kamehameha I with a land distribution system that embodied the concept of the "ahupuaa", or a pie shaped parcel beginning inland and frequently on a mountain top spreading to the shoreline and sea. Each "ahupuaa" was nearly self sustaining and featured natural dividing lines of mountain ridges and streams and rivers.

All of the lands of Hawaii were so divided by Kamehameha I among his ruling chiefs. The general concept of aboriginal title could be said was established and confirmed by the Kamehameha I declaration that, "all of the lands belong to the Chiefs and People in Common." The declaration further meant that all of the lands were used for subsistence and occupancy as in aboriginal title lands. The tenants lived on the ahupuaa in each division to make the land productive.

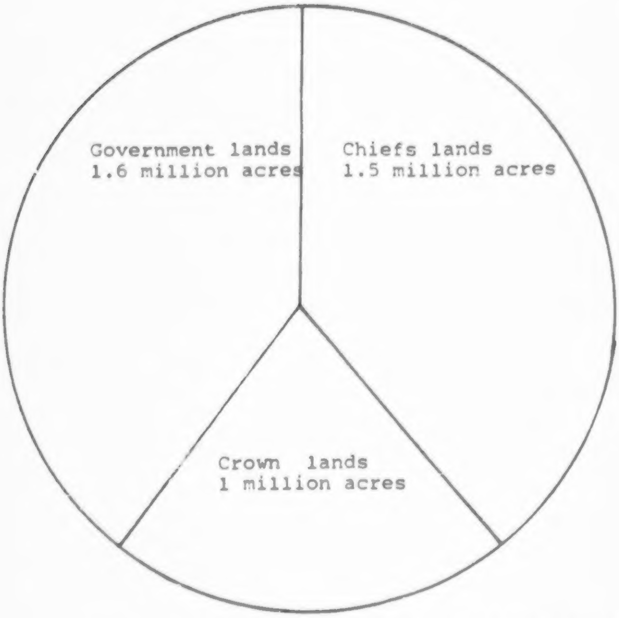
Kamehameha I died in 1819 and a generation later in 1839 his younger son, Kamehameha III granted a "Declaration of Rights" for the protection of the commoners and chiefs and their house lots. The Declaration of Rights somewhat paralleled the first American Bill of Rights enacted in 1791. The grant of the Declaration of Rights from the king was unique. The following first Hawaiian Constitution of 1840 was also unique to formally record in it the customs long practiced in the kingdom and to give the people actual political power. Hawaiian progress had been rapid from an absolute monarchy to a constitutional monarchy in a generation and may have further evolved into a full Republic today without the outside intervention of the overthrow of 1893.

The Board of Commissioners to Quiet Land Titles was established in 1845 and in 1846 adopted the principles to declare that there were but three classes having vested rights in the kingdom. The King in April 1845 had set apart as private lands for himself and assigns forever some 900,000 acres, subject to the rights of the tenants. The remain lands of the kingdom were made over to the Chiefs and people as the lands of the Hawaiian government also subject to the rights of the tenants. These lands totaled about 3,200,000 acres of the kingdom. Chief Justice Lee wanted to better define the commoners or tenants rights and to have something of their own. Therefore, the next step was the Mahele to allocate to the King (Crown) 1 million acres, the Chiefs 1.5 million acres, and the Government 1.6 million acres comprising the kingdoms total 4.1 million acres. The Mahele was finalized in 1848 and indicates the Crown in the division received less than one-third, the Chiefs more than a third and largest third remaining as Government lands were to be the tenants lands.44/

It is evident that the land use system prior to the Mahele of 1848 included the right of possession and the right of use. After the Mahele of 1848 the change in tenure would ultimately provide for fee simple or private ownership and awards of alloidial title.

The tenants lived and worked on all three divisions, the Crown, Chiefs and Government lands identified by the Mahele, and subject to the rights of the tenants. To recognize the intent of the Mahele and award house lots divided out of the three divisions of Crown, Chiefs, and Government lands required the development of the Kuleana Act of 1850. The intent of the Mahele land division might be better shown by graphing out the various divisions as subject to the tenants rights indicating the approximate one-third of the kingdom in acres to be awarded.45/

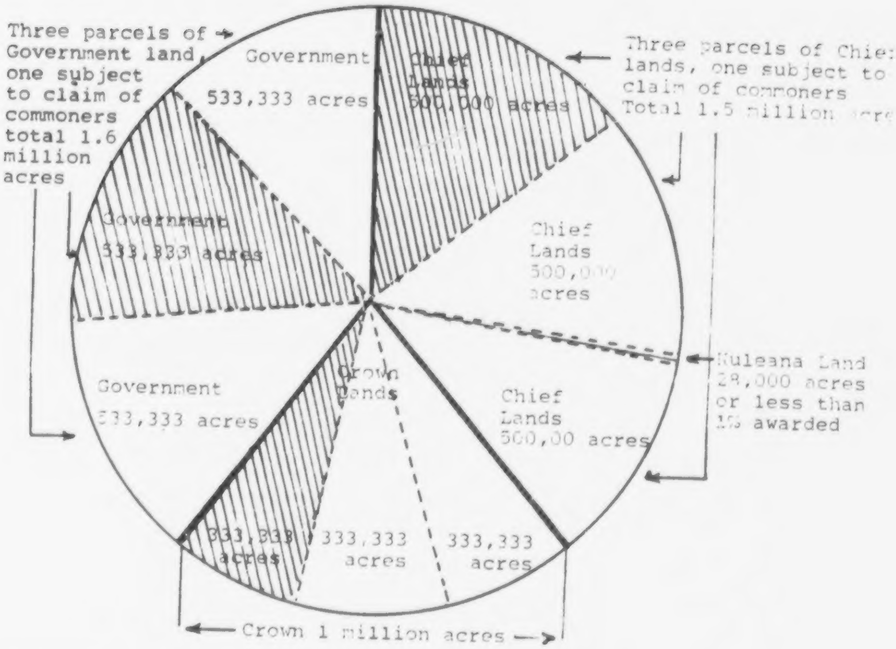
DIAGRAM "A"



Total of all Hawaii lands 4.1 million acres

Note: Exibits are representations and are not to scale.

DIAGRAM "B"


Three parcels of Government land, one subject to claim of commoners total 1.6 million acres
Government
533,333 acres
Chief Lands
500,000 acres
Three parcels of Chie lands, one subject to claim of commoners Total 1.5 million acre
Government
533,333 acres
Chief Lands
500,000 acres
Kuleana Land 28,000 acres or less than 1% awarded
Government
533,333 acres
Crown Lands
Chief Lands
500,00 acres
333,333 acres
333,333 acres
333,333 acres
Crown 1 million acres

Great Mahele land division of 1848:		
Government	1.6	million acres
Chiefs	1.5	" "
Crown	1.0	" "
Total land	4.1	million acres

Kuleana Act of 1850 awarded 28,000 acres

Land Commission principle recognizing vested rights of commoners and expressed as a land interest in one third all the lands of Hawaii in 1846.

Government	533,333	acres
Chiefs	500,000	"
Crown	333,333	"
Total	1,366,666	acres
(Kuleana) less	28,000	acres
Remaining commoners interest to be partitioned	1,338,666	acres

▨ **Commoners** one-third interest in all of Hawaii's lands.

The Kuleana Act was intended for each native to be granted a land award or kuleana which he himself must survey at his cost, and then record. After the survey of the land occupied and to be claimed took place, a commutation tax was payable to the treasury. If there was a lack of money, and there frequently was, then one-third of the land claimed in the kuleana could be deeded back to the government as a commutation tax payment. This was done many times on chiefs lands, and those on chiefs land could be considered to have fully paid their commutation taxes by the one-third reversion, although tenants may have never received their kuleana and claims are still outstanding. Common people who were essentially without cash to pay the commutation tax for a kuleana were at a disadvantage while non-Hawaiians had access to cash to purchase and reportedly bought up kuleana awards using natives as fronts. This practice was noted by David Malo as a concern of natives owning land and the possible sales of those lands. The argument that the sale of kuleana lands is often used to explain why natives have little land today.46/ There were only 28,000 acres awarded as kuleana grants or less than 1% of the total lands, or only a tiny portion and much of that land is still with the natives today. The native land sale argument is incorrect for the real reason for land shortages are more rather due to large land accumulations by corporations that deny many descendants reasonable lands that may have come from the Crown or Government lands. In this connection, the privy council members intersted in the welfare of Hawaiians gave this advice, "two courses are open to you. Either to secure your lands, work on them and be happy, or to sit still, sell them and then die, which do you choose."47/

The concern about the sale of kuleana lands likely influenced the cut-off date to claim kuleana in 1855 in the best interest of the Hawaiian kingdom and the continuing proliferation of native lands. When the Kuleana Act was first passed there was no definite size set and later the Act would limit a claim to those lands actually cultivated and the land for the home itself. This was intened to discourage the widening proliferation of lands to speculators.

If a native did not file a kuleana claim for property he was entitled to claim because of lack of knowledge, poverty, or uncertainty by the expiration date of 1855, his potential kuleana could revert to the government as in escheat.48/

When the Board of Commissioners was formed in 1845, an effort at land reform was started to give to those who worked the land greater incentive and a more permanent base from which to operate while releasing the native Hawaiian from the odious labor tax.49/ At first the Kuleana Act did not give many natives confidence in land purchases and its security. They remained aloof for a long period and finally some natives did take up each a small piece of land at Makawao in the earliest experiment.

Reversion to the government meant in effect that the native was over paying his taxes of commutation by two-thirds over the requirement. In overpaying the commutation tax, the native then could have an equity interest in the subject kuleana with government besides the first or original vested right identified by the Board of Commissioners.50/

It is well to remember that the Board of Commissioners had no authority to divide the lands or grants patents. It could, as a Commission, decide the validity of claims and then define the character and boundaries of the land to be covered by an award. This approved award could be taken to the Minister of the Interior and by paying the commutation tax (one-third the unimproved value of the land) receive a Royal Patent in fee simple for the kuleana. Interestingly, it was not obligatory on the receipt of an award to take it to the Minister and obtain a patent, and as the owner of a kuleana could not be dispossessed of the land, some awards remained unpatented for many years. It was not until 1909 that a procedure was provided by law for enforcing the payment of the commutation tax due the government on Board of Commissioners awards and spoken of as a lien for money due to the government. The process operated from 1850 up to the overthrow and beyond into the Territorial era of 1909. At the same time claims for chiefs lands could be made up to 1895 when the Dole Land Act endeavored to combine the Crown and Government lands as Public Lands to cede to the U. S. It follows that the Kuleana Act should have been given the same consideration as the chief land awards. The land division and award process was cumbersome and failed to carry out the grant of Kamehameha III of the one-third concept so that the natives never did receive the one-third so often spoken about in the initial understanding.

Because of the Board of Commissioners, the legislature, and the King had all previously promised the commoners an undivided one-third interest in most of Hawaii an intent was expressed yet to be awarded. While there is no decision on such an argument before the Board of Commissioners or the Supreme Court of Hawaii to the contrary, it can be assumed that the Kuleana Act only divided out a small portion of the commoners interests and that the commoners should be entitled to the remainder of those interests. In this connection, the preamble of the Constitution of 1840 stated, "nothing whatever shall be taken from any individual except by express provision of law."

The short four and a half years under the Kuleana Act to make a claim before the Act was dissolved in 1855 only meant a suspension in the process till some other method was developed. This is so because the chiefs lands could be claimed up to 1895 from the same initial grant of 1845. It follows if the chiefs can, so can the people. Or at least the people will be accorded the option of how disposal might be accomplished.

-SECTION E-

NATIVE HAWAIIANS
THEIR CONCERNS AND STATUS

SUMMARY OF CONTENTS

The following comments are made in response to the Draft Report of the Native Hawaiian Study Commission. The areas of concern are:

LAND & HOUSING:

To point to the highest housing costs in the nation and at the same time the need for some 40 to 50 thousand low income families for homes.

BLOOD QUANTUM:

To point to the division and problems caused by the inconsistency of the Rehabilitation Act of 1920.

RELIGION:

To trace the origin, proscribing and intolerance, leading to the neglect of religion.

PRIVATE SECTOR:

To demonstrate how well land based service agencies serve the Hawaiian community and point out a way for the future.

CRIME & DELINQUENCY:

To clear away surface appearances, and identify the root cause of crime and discrimination.

LAWS:

The origin of laws, their perpetuation and applicability to Hawaii and all of its citizens, as developed by the early culture of Native Hawaiians.

EDUCATION:

What are identified as the needs of Hawaiian children and some programs that have helped in the area of concern.

JOBS:

Hawaii has a bleak outlook for jobs, many younger people leave for jobs elsewhere basically because jobs in Hawaii pay less and the agricultural aspect due to zoning and other conditions are not conducive to agriculture.

TOURISM:

The number one industry, its operations, its benefits and related costs with a boom or bust outlook.

FRESH WATER & LIFE:

Perhaps Hawaii's most fragile resource, its limits and future uses or conservation.

VALIDITY OF REPARATIONS:

A history of native Hawaiians relative to their interests being subordinated to others on a continual basis reflecting insensitivity.

FORMING THE UNION & TODAY:

Some comparisons and solutions for Hawaiians in the future to better themselves and their children's future.

TREATIES:

The process of treaty making between Hawaii and the United States. The intents and the present status.

ARCHIPELAGO CONCEPT:

The existence of the Hawaiian Archipelago, its future value and management benefits to Native Hawaiians.

COMPARATIVE SERVICES:

Agencies serving Native Hawaiians and an analysis.

POPULATION:

Population and its impact on Hawaii, the future outlook with some alternatives for adjustments.

LAND VALUES:

A projection and comparison of land uses in Hawaii to arrive at an estimated worth.

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The parallels of constitutions, constitutional government and the option to restore that held in suspension.

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INDUSTRY:

Evolution of Hawaii's industry and its future health. Some conditions that may assure a viable community without overcrowding.

INDUSTRY & POPULATION MILESTONES:

The year dates that significant events took place in Hawaii to influence its evolution.

CONCLUSION:

Based on how events have affected Native Hawaiians, a choice they might make.

RECOMMENDATIONS:

Listing the areas of declining participation and some reasons. Also a solution to overcome deficiencies.

LAND & HOUSING:

When U. S. Minister John L. Stevens encouraged the raising of the American flag over Hawaii in 1893, he was to set in motion a process to advantage some at the expense of others. Stevens, it might be said, at the point of a gun, began the process to redistribute the wealth of the native Hawaiians. By Stevens' single act, native Hawaiians would be subjugated and obliged to become dependent to the extent of accepting paternalism. Prior to this subjugation, native Hawaiians were self-determining. With this enforced change, over the years since it first took place, several problems have developed. There is a problem of land, its availability, adequate open space and access. All three of these assets are now items that need to be addressed. A relative consideration is the availability of water to keep land productive as in the past for self-sufficiency. It is apparent that the problems that have developed are only the symptoms of a deeper root caused by the subjugation and denial accomplished when Stevens raised the American flag over Hawaii. This relatively simple act of raising the flag fabricated a cloak of respectability to illegitimately control Hawaii and its people in a manner contrary to U. S. Principles of Law and its Constitution. When annexation of Hawaii took place and native Hawaiians were mass neutralized, they were to lose in that action their political and land interest in their homeland to the advantage of those who hailed the raising of the American flag, which in effect flew only to protect those interests versus native Hawaiians.

There was not much to rejoice about from 1893 through 1900 even at the present time with the prevailing status quo. The large land acquisitions of the past remain to assist land development and fuel the practices of speculation that first encouraged fraud and over-reaching for lands in Hawaii.

Relative to this fact, about 60 years after the Mahele land division of 1845 about 1,800,000 acres were acquired by non-Hawaiians or their corporations and this meant that every three out of four acres belonging to private owners, were thus held by non-Hawaiians. This was accomplished by fake homesteading and putting up "straw buyers" by the corporations.

After 1893, large corporations controlled 1,963,600 acres and by 1895, the Dole Land Act was passed to alienate and sell off more native Hawaiian Crown Lands. After the Dole Land Act passed, its intent was clear, large land leases and awards were made involving over-reaching and fraud as reported in the Hawaiian Islands, Hawaiian Investigation Reports of 1903.

In the investigations, one incident involved the Humuula Sheep Station of 237,000 acres. The sale of this station gave to Sam Parker control of nearly one-fourth of all of Hawaii's lands or 1,000,000 acres. Sales like the Sheep Station sale were made possible by corporation lobbyist to ensure the failure of the U. S. Congress to require in the Organic Act of 1900 the provision that the Secretary of the Interior review sales, leases or grants of the public domain. After 1900, the ceded lands were considered the public domain.

How land transactions took place after the passage of the Dole Land Act took place in 1896. Then, William Irwin, a wealthy sugar planter purchased beach front and other choice lands in Waikiki for only one dollar that had been set aside for public park purposes. Irreplaceable lands on the Waikiki shoreline were acquired by members of the Republic's government which was spawned when the American flag was raised over Hawaii in 1893. These acquired lands were part of a 300 acres park envisioned by Kalakaua and named after his Queen Kapiolani. The park was designed by Archibald Cleghorn, brother-in-law of Kalakaua. The park was for posterity and the general public's use. Kapiolani Park today is irregular and the state wisely wishes to flesh it out by purchasing the sites acquired by Irwin and others after the overthrow. It may cost a considerable amount to do and possibly prove too expensive to recreate the park Kalakaua planned.

It was in 1930 that a census report indicated that corporations or non-Hawaiians controlled 2,579,733 acres, more than sixteen times the acreage controlled by Hawaiians. The raising of the American flag in 1893 created an oligarchy that accumulated lands and thus increased its hold on the wealth of Hawaii by this concentration. The oligarchy kept dividends high and taxes low to prevent a drain of funds off into the public sector. The controllers of Hawaii's wealth never agreed that that much money should be in the hands of government for public uses.

It would seem that statehood in 1959 would only serve to further alienate the native Hawaiian from any interest, implied or otherwise, in his native homeland. In April 1982, a report indicated that Honolulu has a hypothetical urban middle income cost of $31,893 only which to live and is, therefore, America's most costly major city in which to live.

Today there are only 203,203 acres in small private ownership in Hawaii or 4.5% of the total land in the islands. There are 4,126,600 total acres of land in Hawaii, nearly 50% of this are in private ownership. Nearly 1,000,000 people in Hawaii only own 203,203 acres of the total and this may well serve to drive up home costs, because of scarcity in a supply and demand market. This suggests another land regime is in place to sustain the early land accumulations. Nearly all of the privately owned lands, being acquired lands are the better lands as there is no need to acquire by purchase poor lands.

Rapidly tracing the history of the ceded lands, it can be found that they comprised approximately 2,478,000 acres in 1848. In 1893, there were about 1.9 million acres. The Republic of Hawaii ceded some 1.7 million acres in 1898 and today only some 1.3 million acres remain of the dwindled amount containing the native Hawaiian interests. Much of the remaining land is poor land or inaccessible and in conservation with the best lands under cultivation or acquired for development.

These factors contribute to Hawaii having the highest housing costs in the nation as outlined in a recent First Hawaiian Bank Report. Land makes a home expensive and scarcity will accomplish this. The publication report cites $184,559 as being the average single family cost of a home in Honolulu while the average of a similar home in San Francisco was $133,900 or $50,000 less.

When the cost of a home in Hawaii is measured against the average income of native Hawaiian who has a disproportionate low group average income in the state, the great disparity can be seen. A home is practically out of reach.

Why? One answer can be that in Hawaii the arrival of foreign corporations or syndicates operate in the region in profit making ventures using preferably cheap labor. Hawaii has a history of cheap labor supported by the encouragement of immigration. Today large capital investment in Hawaii from foreign sources will still speculate, largely in real estate ventures as do the investors from Canada and Japan. There is no consideration of local housing needs in these undertakings, rather to cater to the more affluent who can afford a $184,000 home. The speculation in real estate has been an influence in the failure of a number of savings and loans firms recently in Honolulu that were taken over quietly by the government to avoid publicity.

On the other side of this situation, there is an indicated need for some 40,000 homes at the present which will require some $2.4 billion to build. So on the human side, while the average home in hawaii is $184,000, there are many in the lower income bracket and other single parent families that cannot afford to buy a home and single parent families have special problems finding rental housing. The future is clear that native Hawaiians will be forced to move out of their homeland by these conditions if preventive steps are not taken to correct the trend. This fact has been recognized and already expressed by a congressman as unfortunate but inevitable because of the desirability of living in Hawaii. But does being forced to move out of the homeland make it fair?

Since by the states own estimates that some 40,000 homes will be needed, those needs are for the present and future needs can be imagined with a normal population increase. Hawaii will not be a "special place" it is so often touted to be. Native Hawaiians have not earned the plight they now suffer at the hands of the many transients who have come to exploit the region for profit and move on in the name of progress and the American way. In that connection, Hawaii needs more competitive entrants to lower the costs in areas and remove the constraints that inhibit competitive costs. The area of financing is one that native Hawaiians can correct with their own participation.

The raising of the American flag in 1893 has in effect left Native Hawaiians defenseless and unable to control their destinies and some adjustment is rational. Native Hawaiians should be equals, able to manage their ancestral lands not sold after the seizure in the overthrow of 1893 and to generate revenues for their direction into selected channels.

In this connection of land use, it can be found that housing is interrelated with water resources. On the island of Oahu, water demands are considerable. In fact, so much so that there are occasions where water conservation is requested or regulated. This means that there can be a nearing to the limits of the resource.

Also in that respect, it can be found that staple, taro, a food of Hawaiians has been shrinking in supply due to a lack of water or its diversion. It requires millions of gallons of fresh water per day to cultivate the traditional food of native Hawaiians. This water supply has steadily been diverted to supply domestic use for subdivisions and condominium construction. Without an adequate water supply, the taro is rotting as it rests in the patches. While this may be acceptable in some cases, this practice defeats the process of natural selection and control of population by availablity of food. It is entirely possible that the population achieved by natives was the optimal of some 400,000 individuals at the arrival of Captain Cook. This was probably reached after centuries of existence based on the region's resources. In Hawaii, the island of Oahu is overly populated based on its resources and the entire region requires large imports to sustain the populace. Being dependant on supply services raises the spectre of interruptions that do occur from time to time but is it nessary to increase outside dependence even more than it is now? There are additionally, garbage and sewage disposal problems already in a massive multi-billion dollar program. Hopefully Hawaii will not be adversely affected with its population expansion.

History shows that the food supply was a population controlling factor and that infanticide, including fetuscide, was practiced in Hawaii likely to keep within population limits.

It is obvious that the staple native Hawaiian food, taro, is due to scarcity too expensive for native use and is the most expensive staple on the market. Compared to rice which averages 20 cents per pound and Irish potatoes at 30 cents per pound as reported in a shopping basket survey during June 1982, taro to make poi, is 10 cents per ounce or $1.60 per pound. Even if food prices are high in Hawaii, the native staple is even higher proportionately although food prices in Hawaii are consistently higher. Hawaii has the dubious honor of having the highest food prices in 21 cities across the nation. Because of these conditions, it can be said that native Hawaiians are deprived of the traditional staple, taro, through no fault of their own.

The other staple that native Hawaiians have enjoyed were fish resources, largely protected in areas close to shore in man-made enclosures. These fish resources have been depleted or destroyed by construction and contamination.

The larget natural fish pond in Hawaii was Pearl Harbor, the exclusive use of which was granted to the U.S. in the Reciprocity Treaty of 1887 as a coaling station for a period of seven years. The Treaty should have expired in 1894 or one year after the U.S.S. Boston's marines aided in the overthrow of 1893 and might have well been a reason for their involvement. Pearl Harbor was a rich resource for fish stocks. Today, the harbor is contaminated with bunker C oil not to mention ship discharges both regular and nuclear from ships and includes chemicals and some toxics. These chemicals and discharges affect healthy fish stocks including the prized anchovy (nehu). The ancient fishing rights of Pearl Harbor have been ignored and access is now limited to military personnel to fish except that the nehu may be taken by permission when available.

The large Kuapa pond in Hawaii Kai on Oahu was used to raise a favorite fish, mullet. It has been mostly filled in and dredged and no longer provides the resource it once did. The Salt Lake area is another site filled in for development to continue the destruction of natural areas used to raise fish resources.

Even the condemnation of shore line fisheries were proclaimed but never fully accomplished and satisfied before opening them up to unrestricted public use. This action only added to the overexploitation of these resource areas. Today the once regulated and ample native Hawaiians resource is not available and another native Hawaiian staple has been taken away.

With the change of diet and denial of staples, the Native Hawaiians could be reflecting in their many medical problems they suffer this lack. Taro is recognized as a complete food with many important nutrients. Statistics reflect native Hawaiians have several medical problems that have appeared related to diet in other instances. Yet, if it is a diet deficiency and the cost of the staple has been placed nearly out of reach, then a change back to something more healthy seems reasonable. Fish and taro (poi) were native Hawaiian staples that they have lost along with the direction of their futures and lands to their detriment.

In summary, the issue is, the land is for those already here and because of their roots have a vested interest who care about what happens to the land. It is not to be cut up and merchandised and speculated upon to the highest bidder.

BLOOD QUANTUM:

At this point, there is not a great need to have Congress amend the Hawaiian Rehabilitation Act of 1920.

This is because the Act services those of 50% or more blood and is addressing the needs of qualifying Hawaiians.

What legislation is now needed is for native Hawaiians who are not being served and recognized as also beneficiaries to the ceded land trust created in 1898. This trust was established by the rise of annexation and in Article II, stated that proceeds from the ceded lands be used solely - for the educational and public purposes of the inhabitants. Only native Hawaiians had a recognized vested right in all of the lands of Hawaii as observed by the Land Commission in 1845. This finding indicates native Hawaiians are the inhabitants from time immemorial and identified in Article II of the Resolution of 1898.

Because the Hawaiian Rehabilitation Act of 1920 carries out the intent of Article II in the Resolution of Annexation and also establishes a mechanism to distribute benefits to native Hawaiians, it follows that further legislation is desirable to correct the oversight in recognizing all descendents who are also beneficiaries of the ceded land trust established in 1898.

RELIGION:

It is obvious that Native Hawaiians develped a system of worship unique to the regions lands and similar to how native people generally develop a reverence for the earths replenishment capacity and bounty. All undertakings were preceded by ceremonies paying homage to a deity. In this light the raising of the staple taro was to take on a significant religious aspect. For it was the giver of life and that capacity is being diminished. All of the lands of Hawaii were gods lands and supplications must be rendered for ensuring its bounty. By these activities native Hawaiians attained a high degree of cultivation which is attested to by reports from observations at the time of Captain Cook's arrival in 1778 and subsequent to that first landing. The lands were in the highest state of cultivation and this was observed on all of the islands visited.

At the same time the conduct of worship was also observed and appeared to be an unselfish practice to obtain favor and blessings for the entire community.

The conduct of early Hawaiians could be exemplified by their religion which was friendly and welcomed strangers. The first encounters were not savage meetings although later contacts were to become violent and the image of savagery was to be attributed to native Hawaiians. But it was not considered savage to slaughter them with cannon nail and chain shot on occasion. Although if they retaliated it was savagery.

It does seem contradictory but the first reports describe natives as peaceful, happy, healthy and organized society. It can be said native Hawaiians made the lands they discovered on arrival productive lands by the practices they developed and applied in cultivation. Their system of composting proved to be successful to keep the land producing without acceleration of chemicals. Enough staples were produced to support a population of some 400,000 people. They learned to share as they must and had the most to offer newer arrivals even if it made their own lot less convenient to divide food supplies and other comforts. There was not much newer arrivals could offer except non-essentials; they came with literally the shirts on their backs.

A bond developed of faith in the land that was to permeate other aspects of native life if not all of it. This faith exhibited itself in offerings and trust that indulgence would be rewarded in kind. The art of healing required faith in the supplications and achieved the goals many times sought for healing purposes. Some practices survive to the present even if somewhat evolved. There are practitioners today in the application of Hooponopono, the embracing of past lives and cleansing for self, the land and material things. Some of the ancient practices survive in competition with the other newer arrivals. The question is how do they compare and what do they have to offer the native Hawaiian in his homeland.

Hawaii now presents and also embraces a panorama of religions. An early reference to religion in Hawaii was an incident involving Captain Vancouver who advised King Kamehameha I of the supreme Western God. Kamehameha, a staunch supporter of the indigenous religion, is reported to have said he would believe in other gods if both he and the disciple of such a god could both jump off a high cliff and be unharmed.

During the transition in the conversion of Hawaiians to Christianity, the first of the new religion to arrive were the Congregationalist in 1820. With the blue laws of New England in tow they began by proscribing every tenet of the Hawaiian religion. They declared the new religion was superior and the native should challenge their gods and no harm would come to them. No harm came in the challenge and the conversion was accomplished. All of Hawaiian conduct was tied to their religion and this introduction would destroy the knowledge and continuity while creating a gap between the generations. This would lose for the descendents their identity, nationhood and pride or respect of their elders and culture. By design or otherwise.

Hawaii would become a rich ground for religious orders. After the Congregationlists came the Catholics in 1827. Even the Catholics abhorred the conduct of the Congregationalists in their relations with native Hawaiians as they proscribed every aspect of native culture, implying that their culture was superior. The Mormon Latter-Day Saints arrived in 1850. The Methodist in 1854 and the Anglican Church in 1862. Meanwhile, in 1852 Chinese Confucianist, Taoist and Buddhist sects had arrived.

Similary, Japanese forms of religion followed in 1885. Five of the main forms of Mahayana Buddhist were established in Hawaii: Shingon, Jodo, Jodo Shin (Hongwanji), Zen (Soto) and Nichiren including many varieties of Shinto worship. Lutherans were established in 1883, Seventh-Day Adventist in 1885, the Salvation Army in 1894, Christian Scientists in 1902, Northern Baptists in 1930, Southern Bapists in 1940, Unitarians in 1953, and the Presbyterians in 1959. The Quakers and the first Jewish synagogue was established in 1950. Throughout Hawaiians exhibited tolerance not accorded them in their religious practices.

PRIVATE SECTOR:

It is apparent that a land base is a necessary and important requirement to Native Hawaiians judging by the existence of two that service them. These two land bases are the Kamehameha Schools, with about 300,000 acres left in a trust and the Liliuokalani Trust, created by Queen Liliuokalani's estate for children which derives its income to service orphan children from leases and rentals of lands.

These two examples demonstrate a land base for natives appear a requirement to preserve the Hawaiian's future and culture. The history of the Kamehameha schools is an interesting one because it demonstrates how an alii, (of the intelligentsia) Princess Pauahi Bishop declined the throne of Hawaii but felt about her responsibility to her native people. She left her entire estate to the founding of an educational institution to foster "good and industrious boys and girls."

In the 1970's the Kamehameha Schools had a student body of 2,500 or 4.5% of the 50,000 Native Hawaiians eligible. In the 1980's the schools have a student body of 2,800 and a part time number of 9,000 students and now maybe service about 25% of the eligible native Hawaiians with its present capacity and curriculum. The construction of another and separate Kamehameha Schools, which does a creditable job, would assist the present facility to service a greater percentage of the eligible Native Hawaiians.

The Liliuokalani Trust for orphaned children was created by the last queen, who was dethroned by non-Hawaiians in 1893. This alii, Queen Liliuokalani, left her personal estate to found and maintain the trust to service native children who are orphans or indigents. She also left other landed legacies to her native people as well as to all of the citizens of Hawaii. There is a strong possibility that she, as queen, and holding all of the

Crown lands in her name could have ultimately declared all of these vast lands to be set aside as common lands for the natives' benefit if there had not been the armed intervention of 1893. The armed intervention of 1893 saw non-Hawaiians alienate the crown lands and illegitimately cede these lands to the U.S. in a quitclaim ceremony in 1897.

It is obvious that the best long term option for natives is a land base. Why this is so can be seen by other examples. King Lunalilo left about 300,000 acres to establish a home for aged, infirm and indigent, preferably native people. These lands were converted, it is reported somewhat questionably into an investment portfolio. The most interesting aspect of this activity is that the Lunalilo Estate of 300,000 acres is about equal to the Bishop Estate of 300,000 acres when they were initially established. But the difference is today the Bishop estate's lands are valued at $3 billion and the conversion of the Lunalilo estates 300,000 acres into a portfolio is worth only $1 million. This great disparity of nearly equals at the outset severely limits the service that can be offered to the aged and infirm. Although it has been frequently suggested that the Bishop Estate sell off its lands and put the proceeds into an investment portfolio, this has not been done and fortunately so if the Lunailio estate example is a result.

Another service that utilizes a land base is the Queen's hospital. First opened in 1860 the hospital was established to care for indigent Hawaiians. Queen Emma left her lands in an estate to maintain the hospital. Today Queen's is Hawaii's largest.

Queen Kapiolani established the Kapiolani Maternity Hospital to care for Hawaiians also. So these alii's left the native Hawaiian legacies as the few that survive but serve all of the residents of Hawaii.

Today, the Department of Hawaiian Home Lands (DHHL) is what congress established in 1920 as the Hawaiian Rehabilitation Act. The Act set aside approximately 200,000 acres to rehabilitate native Hawaiians who were obviously in need of housing and who were said at the time to present a public embarrassment wandering the city streets in poverty.

It is generally known that under the Act of 1920, for some sixty years after the acts passage, only some 3,000 native Hawaiian applicants had been served and placed on the land. Meanwhile some applicants had waited for twenty or more years to receive an award. There have been reports of favoritism in making some awards. Today there are some 7,000 waiting applicants for awards including some for farming and ranching. It can be speculated that at the past rate it could take at least another 180 years to award a parcel of land to all waiting applicants which appears unreasonable. Meanwhile there are problems with accounting of funds, executive orders to take over lands without due process and a perennial shortage of an ample budget to carry out the mandate from congress, not to mention at times the "loss" of parcels of land.

The program has proved difficult to manage to put it mildly. To begin with the land was nearly all second class lands and only 2% of the original lands could be developed for use at nominal costs. There are zoning problems to developing the land that have been described as over restrictive and costly contributing to the lack of awards. This fact suggests that a closer look at this part of the program is necessary. To satisfy the demand and place all of the 7,000 applicants on the land would take an estimated 400 to 500 million dollars under the present format. This appears an impracticality therefore unobtainable.

It is apparent that the actions in the private sector have been more successful to an extent in serving Native Hawaiian beneficiaries than an agency of government service. This condition suggests that the function of such an agency to award lands and homes be more closely governed by those affected or the beneficiaries. Conditions further indicate that the services and assets not be filtered down through another political process to be affected by opposing interests which exists at the present and likely constributes to the problem.

The transfer of the agency (DHHL) to another entity or agency may also accomplish better response to the beneficiaries needs, although the agency itself has shown some improvement in its more recent operations. There are constraints that the state government presents that are generally too cumbersome which is reflected by the limited percentage of natives on the lands when there are a minimum of 30,000 who could by blood quantum qualify, not to mention other Native Hawaiians who could participate by succession criteria. Because Congress created the Hawaiian Rehabilitation Act of 1920, it can amend the act as necessary. However, at this time the Native Hawaiian Claims do not alternately require such an amendment based on the following conditions. With the Act in place no additional legislation is needed. That is the 50% or more native will continue to receive the identified benefits. The claims now are to address those who are not being considered or recognized as being descendents to the lands of Hawaii by their vested rights.

It is envisioned that participation may be widened without diluting the present benefits to the native of 50% or more blood.

It is apparrent that an approximate area of five acres is the size of a Kuleana or houselot with surrounding land for cultivation. Based on this size then the number of Hawaiians not being served may approximate a total achieved by multiplying the number of beneficiaries by the number of acres of an average size lot. By such an approach the need for the original metes and bounds since obliterated are not entirely necessary for a division. Land exchanges are also possible to aggregate and round out areas to be selected as in the case of the Alaskan native settlement.

CRIME AND DELINQUENCY:

How was conduct regulated in old Hawaii? By the Kanawai beginning in 1600 and also the kapu system. There does not seem to be a problem of delinquency in early Hawaii. But there is one aspect for sure, what is not legal today by newer standards could be acceptable in old Hawaii under a different set of standards and therein may lie much of the difficulty.

That alienation exists today for different races in varying degrees goes without saying. Yet early recognition of such is desirable because if children (Hawaiian) do not do well in pre-school tests it can be expected that they may not do well in elementary school likewise and are prime targets of alienation.

In March of 1977, the Office of Civil Rights based in San Francisco examined disciplinary incidents in the Island public schools. Strangely, it was found that of each ethnic group that the full blooded Hawaiian had the lowest discipline incident rate of all. This attests to the absence of delinquency problems in early Hawaii which can be attributed to their culture and basic conduct later to be affected by western influences. The part-Hawaiian, in a separate group, had an expulsion-suspension rate equal to those students of Chinese or Filipino ancestry. This seems to indicate that native Hawaiian children at this level do not have an acute disciplinary problem.

A later study, "Crime in Hawaii" by the Hawaii Institute for Management and Analysis in Government conducted in September of 1980 found that early prevention may identify and help pre-delinquent youngsters.

This later study found as expected that part-Hawaiian students tend to be over-represented in the alienated group due to several apparent causes such as broken homes and further that these students do poorly in school.

These studies bring us to the present and the apparent high representation of Hawaiians in penal institutions and why are they there?

As early as 1930, Thorsten Sellin, one of the nations leading criminologist, questioned whether the real crime rate for blacks for instance, as a minority, was higher than for whites. Blacks appear to be arrested, convicted and committed to penal institutions more frequently than others. Sellin maintained that social factors distorted the rates.

On the topic "Crime and Justice in America", professor of sociology Alphonso Pinkney found in the FBI's Uniform Crime Reports of 1975 that blacks are arrested between three to four times more frequently than whites. But the most interesting aspect of this report says something about society, when native Americans are arrested at the rate of three times that of blacks and 10 times that of whites. Such rates support the charges of oppression by the use of racism, and minority groups must conform to those very laws and social practices designed to maintain their subjugation. For native Hawaiians subjugation really began in 1893 with the overthrow of their legitimate goverment. Further statistics of this report point out that arrest rates among racial minorities do not mean that these groups have inherently stronger criminal tendencies because crime is a function of social factors, not race. The vast majority of members of racial minorities are law-abiding citizens. The law has not only institutionalized but deprived Native Americans of their land and assets and even their lives.

One of the major forms of racial oppression is economic discrimination manifest in unemployment. Unemployment is one form of oppression contributing to arrest rates of people of color. The high arrest rates reflect the fact that legitimate means to achieve societal goals are often blocked by discrimination. Crime may therefore be seen by some as the only means available for achieving the symbols of success.

It was additionally found that people of color are generally forced to live in areas characterized by poverty, poor housing and limited outlets for recreation. These conditions give rise to criminality and other forms of non-conforming behavior.

There is a connection between race and crime that is caused by social factors. To support this the President's Commission on Law Enforcement and Administration of Justice in 1967 concluded: "The commission is of the view that if conditions of equal opportunity prevailed, the large differences now found between the colored and white arrests rates would disappear." This conclusion and other findings substantiate that native Hawaiians must create their own opportunities to avoid any discrimination that would be manifested in unemployment.

LAWS:

Hawaiian society can be traced back as a lawful and organized people to the time of Kualii, ruler of Oahu in 1600. In 1600, he decreed a Kanawai (law) to say, "Old men and women could sleep along the highways in safety, that farmers and fishermen must welcome strangers and feed the hungry in the name of the Kanawai. Interestingly, conduct relative to the Kanawai law persists until the present; as Hawaiians will still welcome strangers in many ways to even share their limited blessings, such as whatever food they have with others.

In the late 1700's, Kamehameha I was to decree the Law of the Splintered Paddle (MAMALAHOA) which said, "O my People, Honor thy God, Respect alike (the rights of) men great and humble, See to it that our aged, our women, and our children lay down to sleep by the roadside, without fear or harm."

By 1839, Kamehameha III had granted an Amendment of Rights to the Hawaiian people that could be equated to a Bill of Rights. There followed in 1840 the first constitution of Hawaii to formally record the practices and customs long enjoyed in the kingdom. Most importantly, the constitution for the first time gave the common people actual political power. Further, under this constitution the common (tenant) peoples vested interest was identified and in the division of the Mahele they were recognized as receiving one third of all of the lands of the kingdom. This is a matter of record which infers that such a gift still exists along with other recorded gifts of the same period. These previous actions indicate that the ceded lands in 1897 are the very same common lands divided out in the land division of the Mahele. Which also means the ceded lands are the common property of the descendents of the tenants living today.

Several arguments can be raised relative to the land practices of Hawaii. Unfortunately, the laws were unique to Hawaii and need not fit into practices elsewhere. This condition has also led to a misunderstanding of Hawaii's land practices. The Draft Report infers that the Kuleana Act terminated aboriginal title. Yet it cannot be denied that there was a provision to give to commoners a grant of land of indeterminate size as demonstrated by the Kuleanas claimed and recorded. It follows that all commoners were given the same right without exception and they simply have not yet acted upon their individual claims, which is now resulting in a holding of lands in common by the descendents. In fact the act of granting the tenants an undivided interest in all of the divisions of crown, government and chiefs lands means in effect the descendents are the owners as survivors of any of these lands identifiable and not conveyed by any prior act of a sale or deed.

A misunderstanding of the Kuleana Act in the Draft Report is contained on page 171, 3rd paragraph, ref. 52. Here the Draft Report cites a termination date for Kuleana claims. In actuality the Act operated long beyond the date cited and on into the Territorial era. Even up to 1909 when the commutation tax could be paid as a lien due to the government the terms of the act were in practice. Even after the Act had supposedly expired, Kuleana grants were still made and in effect there was not a definite termination. Not only did the Acts terms exist until 1909 but beyond that as a right called the First Right of Preference to Purchase. This practice was a continuation of the Kuleana Act for those who lived on the land and could exercise the right of purchase as in the Kuleana Act.

An interesting aspect arises when it is considered that the commoners who failed to claim and divide out a parcel of land have an interest with the government in the lands that were ceded. This is because if only one-third of the raw land was to be deeded back as a commutation tax but in effect the government retains the whole parcel then the tenant has in effect overpaid his tax by two-thirds and now can have an equity interest in the subject land with his government. Where can those kinds of lands be found? In the ceded lands.

In the Draft Report the restrictive terms "actively cultivated" are used to advance an argument. Yet the Kuleana Act had ad important intent, to place people on the land to actively cultivate it as a personal benefit and at the same time to eliminate the commoners labor tax requirement. David Malo, historian, in 1846 was to say at the Kuleana Acts creation, "I believe it best that at this time, the people should own lands as they do in foreign lands." The elimination of the labor tax also required the chiefs and King to hire labor instead of using commoners for labor without compensation.

What has been forgotten is that those lands conveyed particularly by chiefs and some by the crown had an unsatisfied interest of the tenants which they may still claim from remaining pool, based on succession and genealogy relative to homesites of the period. These claims remain in the ceded lands because when the chiefs paid their commutation tax they had in effect paid the commoners interest also by the reversion but the native has not received his portion as yet. He might choose to pursue his interest in the sale completed or in the resulting ceded lands. It is certain that by remaining on the land the native has, by the terms of the adverse possession law in an open and notorious fashion, earned the right to the property without the formality of the commutation tax being repeated.

After the Mahele division of 1845 came the revised constitutions of 1854, 1864 and 1887. In these constitutions a change in the commoners interest is not spelled out although lands were withdrawn in 1876, 1884, 1887 and even up to 1892 from the Crown lands to be used for homesteading. These lands were in the name of Queen Liliuokalani who may have eventually designated them all for native subjects had not the U.S. aided overthrow intervened in 1893. It can be assumed the native interest is still in force and can be confirmed by the open and notorious occupancy of natives on lands they lived on but had not paid the commutation tax therefore.

The constitution of 1887 was forced upon the king and served to reduce his power and that of the voting native Hawaiian and to which Hawaiian would ever after object. The proposed constitution of 1893 was to restore those lost powers and contained only ten changes to restore lawful practices.

After the overthrow came the constitution of 1894 which contained a provision to encourage annexation, apparently against the wishes of the majority of Hawaii residents. There followed the Dole Land Act of 1895 to alienate native Crown lands and permit the wholesale acquisition of lands by the governing oligarchy. By the time 1898 had arrived much land had been questionably grabbed up and the largest redistribution was the ceding of Hawaii's 1.7 million acres of ancestral land to the U.S. as an incentive to complete annexation. It is clear that from the enforced constitution of 1887 to the ceding of Hawaii, its lands, assets, treasury and sovereignty that a period of unlawfulness existed and was perpetuated by certain individuals who had arrived as immigrants. It is also clear that those individuals who gained those assets and powers so unilaterally sought to retain such on a continuing basis for personal manipulation to provide for large embarrassments to the U.S. and its constitution.

Due to the lack of a mandate, the transfer of Hawaii and its lands, treasury and sovereignty the ceders of such carried out a ceremony in 1897 to accomplish such transfer as in a quit claim. The lands and sovereignty of Hawaii were quit claimed as the ceders could not guarantee or warrant title to the ancestral lands offered in the annexation to encourage the sale of Hawaii by an illegitimate government.

It can be assumed because these conditions existed the ceded lands of Hawaii were not considered to be public lands as public lands are considered in the U.S., rather that congress would legislate special laws for such lands at some future time. In effect a trust was created and has existed for some 89 years of this land and needs to be examined for continuation or appropriateness.

In 1900 the Organic Act was implemented when Hawaii became a U.S. Territory. The Organic Act specifically reenacts the great body of pre-existing Hawaiian statute law, which was based upon the several Hawaiian Constitutions and organic laws. These laws were so remarkably well designed that they have endured as amended until the present and influence life in Hawaii consistently as can be presently seen.

The concern is the Draft Report attempts to reinterpret the intent of the Native Hawaiian land division and awards and appears to be incorrect. There is only one consideration and that is they (commoners) were promised a one-third interest in all of Hawaii's lands and which the Kuleana Act attempted to do but did not accomplish. Not accomplishing the division has not changed the declared intent and such lands are still identifiable and remain to be recognized.

As an example, the Land Commission of 1845 identified the common tenants share as one-third the kingdom, the chiefs one-third and the King one-third. Then came a complicated further division giving the tenant an undivided interest in all three divisions of King (crown), government and chiefs. Under the Kuleana Act, which followed right after the Land Commissions establishment, a common tenant could record his Kuleana claim and pay the one-third commutation tax or reversion of one-third the raw value of the total property and then receive a royal patent. But it was not mandatory to record a valid Kuleana claim and so it frequently was not done and the commutation tax not paid. The tenant further could not be disposed of his homesite and he remained on it up until past annexation. There was no termination as might be implied in the Draft Report. As stated earlier it was in 1909 that a system of payment was developed to accomplish payment of the commutation tax and was described as a lien due the goverment for such Kuleanas. In any case, the longevity of the existence of practices regarding the Kuleana Act was so demonstrated and further the title of such Kuleanas are recognized to the present. It follows that the common tenants interest remains to be divided out somehow from the ceded lands. There was and is no other ownership. Which brings us to the present and relevant issues.

In early times Hawaiians exercised certain rules of conduct regarding accesses and water usage. An incident relative to this conduct occurred in Ka'u on the big island. Since 1955 the purchaser of property in Ka'u was denying access to the ocean by traditional paths and increased denial to a bay there in the mid 1970's. Finally in 1976 the purchaser of the Ka'u lands had people arrested for exercising the use of traditional accesses to the ocean. The judge in the case determined that public access using one path, "The Ancient Walking Trail", and other such trails running from the mountain to the sea had been in continuous use since ancient times and could not be arbitrarily denied. Other questions of access were settled out of court frequently. The island of Molokai had questions of access to the western end of it for traditional uses that were being denied and had been restored. In the north Kona district on the big island of Hawaii, at a site called Mauna Lani the ancient walking trails were preserved and restored for public use and enjoyment.

The water practices of early Hawaiians have also been observed and preserved for continuation. The Hawaii Supreme Court has ruled that private landowners are entitled under ancient Hawaiian law to only limited use of the waters flowing through their properties and the waters use in effect must be shared by traditional users.

More recently the right to gather firewood, ti leaves, bamboo, kukui nuts and medicinal herbs for certain native Hawaiian practices was endorsed as a practice of the ancient ahupuaa as cited in a law of 1851 which limits the items and uses therein.

The question is, what does this all mean today? What is the relevancy? To an extent it should be recognized, people of Hawaii today are living under ancient practices regarding land usage. Although perhaps not fully realized the ancient laws are the basis of may present day laws evolved or amended and conceived on a fountain of the old Hawaiian culture. While it is frequently said that Hawaiian culture is dead and gone, that culture formally recorded beginning with the constitution of 1840 persists until the present day. Buffeted and assailed by newer arrivals the culture remains in the land practices as well as in many other areas and requires observance as a natural and worthy philosophy to follow.

EDUCATION:

In the area of education much more can be accomplished. Formal education began with Kamehameha III in 1840 with a compulsory public school system. In 1845 the schools were on a tax supported basis and by 1854, when English became the primary language in the public schools, native Hawaiians had a high rate of literacy in either English or Hawaiian.

Education was not supported by the controllers of Hawaii's wealth up through the period of the annexation. Education remained without support for twenty years after annexation nor was it encouraged. Rather was the perpetuation of an uneducated, docile, plantation class.

Now many years after the auspicious start of 1840, a reexamination of Native Hawaiian progress is necessary. How do they fare today on an average in the community? In early 1980 results of Native Hawaiian school children's performances were examined. It was found that they do not score well and are near the bottom of standardized reading tests. Further that an apparent academic loss was experienced by Hawaiian students as they progressed through school to the upper grades. A question is why this pattern?

A Kamehameha Schools program, called Kamehameha Early Education Program (KEEP) has yielded some answers. Hawaiian youngsters relate more to their peers than to adults starting at an early age between 3 and 4 years. Thus they may arrive at school at age 5 without the skills of other children. Partly because they pay attention to each other, talk to each other and not necessarily pay attention to an adult teacher. Partly because Hawaiian culture is basically an oral tradition these children come to school lacking an important awareness about reading: that words have meaning, that a reading text is a tool of life. They may not also have many books around their house compared to other households and are not attuned to reading to understand that words in their picture books represent a story. This condition has a telling effect on skills of Hawaiian children and their performance on national standardized reading tests.

It is a trait of Hawaiian children to maintain close, supportive affiliation and are major caretakers of their siblings which may be a reflection of the extended Ohana and family practices of native Hawaiians and Polynesians. "These traits make Hawaiian children very different from Japanese, Chinese, or Caucasian children and seem to be a definite characteristic of Polynesian children," is the view of Dr. Roland Tharp as principle investigator of the KEEP project.

In this process what may be apparent is that in the U.S. there is one of the better public educational systems available. The funding for the system is reasonably adequate. Yet Polynesian children do not fare as well on the general average. This then suggests that a special program is desirable which would require other funds. Whether all of society should be exposed to or have to support such a special program is not clear. If it is a special program then funds for such a program would best be generated from other sources than the present. In this case, the Kamehameha Schools as a private funded foundation uses such revenues in its programs.

At the same time Hawaiian Studies can be found in 886 Department of Education (DOE) classrooms. According to Robert Snakenberg, educational specialist, this program started three years ago and at its inception, "it was hard to give it away". In this endeavor the goal is to teach Hawaiian culture, values, concepts, practices, history and language, which may be of value to people trying to live happy, productive lives in harmony with our island environment.

The program is in 82 elementary schools serving 22,963 students by some 100 kupuna (Hawaiian elders). But in order to reach all children who may be interested the program must be extended to all 171 elementary schools and would require an additional budget of $1.2 million to more than double the present number of schools involved.

It is clear that there are differences in the Hawaii melting pot and the philosophy of a Polynesian lifestyle still exists. Despite the outward loss of language and a smothering of the culture some conduct still survives in the home relative to old family or ohana practices of Polynesians. It would seem better to enhance these practices than to insist on conforming to other standards. One answer lies in expanding such institutions as KEEP to help these children who seem to be left out of the educational system and to fund by special sources the programs to enhance values that are relevant. What is done best is usually that by oneself for oneself.

JOBS:

Prior to 1865 all labor in Hawaii was performed by native Hawaiians and in which year saw the arrival of 522 Chinese contract laborers paid $4 per month. Hawaiians had declined in number to 70,000 from Captain Cook's 400,000 in 1779 when he first arrived. By 1870 Native Hawaiians dwindled to 57,000 people although sugar production climbed from 2 to 20 million pounds annually. By 1890 Native Hawaiians had declined to less than 40,000 in number; however, more labor was needed, so the Royal Hawaiian Agricultural Society was organized to import some 400,000 men, women and children by 1930. This import equalled the original population of early Hawaii at Captain Cook's arrival.

In 1939 there were 37,500 sugar workers on the plantations and sugar was the second largest contributor to the economy behind government spending. In 1946 the last contingent of Filipino labor arrived that was alleged to be used for strike breaking. In 1946 the sugar industry was organized by the International Longshoremen's and Warehousemen's Union (ILWU) to carry out a strike and win concessions from the industry. In 1946 the industry is producing more than 1 million tons of sugar annually.

Tourism in 1967 was overtaking sugar as the leading economic contributor and ten years later in 1977 there are only 7,500 sugar workers on the plantations although the production is still over 1 million tons annually. Conversely, in the mid-1970's Congress allows the Sugar Act to expire after 40 years in place to support by subsidy or quota and import duties the sugar industry.

From a position of dominance, sugar production is reduced in importance although the industry still uses most of the good agricultural lands and water in Hawaii it only employs in the 1980's between 10,000 and 7,500 people on a total population of 1 million. This condition contributes to the fragility of the economy by encouraging massive imports in the range of 80 to 90% of the necessary produce food items and what lands are available are of poorer quality, or residual, and do not add to self sufficiency. It is this contributing factor that has denied the Native Hawaiian his traditional food items to place them out of reach, even if available.

In 1982 national unemployment reached 10% and in Hawaii unemployment is less than 6%. But the reasons for this apparent favorable disparity may not be obvious. Low unemployment rates in Hawaii do not necessarily mean high job opportunities are available in Hawaii. Hawaii throughout its history has a record of surplus labor beginning with the first import of labor to keep wages low. From the first import of labor in 1865 a surplus of labor has influenced the labor market adversely. While employment appears high because the unemployment rate is low at 6%, the fact is that a surplus of labor is evidenced by higher wages on the mainland U.S than in Hawaii in nearly every instance. Indications are that a given number of people are being fitted into the jobs available and not that there is an excellent opportunity for work as can be imagined. The labor market in Hawaii can be described as captive, as in the past.

The conditions that perpetuate surplus labor are immigration principally, and native Hawaiians are probably the most affected by this continuation. So while tourism succeeds sugar and now employs many, wages are very low even if tourism contributes $3 billion to the economy and is the leading financial generator.

In April 1982 the state Labor Director cautioned, "there are jobs, but many are hard to fill because of low wages or other poor conditions", followed by the comment, "while we're happy that unemployment here is not as high as other states, it doesn't necessarily mean there are jobs galore".

The existence of a poor job outlook means something should be planned by Native Hawaiians for themselves to improve their outlook. This can be accomplished by asserting and innovating for new employment opportunities. A special land base can attract new and clean business ventures that do not detract or diminish from the present employment picture, rather can enhance the total picture with new industry and perhaps only Native Hawaiians can accomplish this with a land base in their own home.

Closer to home the cry is return to the land. But no one wants to work the land is the claim. So neither can be accomplished. Why? Mostly because the soil is depleted. Without the import of chemical fertilizers the delicate balance necessary of soil, nutrients, sun light and water the growing of crops commercially would not be possible. Needless to mention the problem of suitable available land, that is, water is affordable rates and prevailing or reasonable agricultural land rates.

Agricultural chemicals have already entered the Hawaii food chain to contaminate food and necessitate their recall. As more harmful chemicals are imported for agricultural use they may yet seep into the limited and precious water table, and at least it is recognized. The use of ethylene dibromide (EDB), a deadly pesticide, and endosulfan are among the many used in Hawaii not ordinarily used elsewhere. So it is not generally talked about because it is too unsettling to think about.

But what can be done? Can't stop agriculture, it is too important to the economy. Perhaps. Or because its been around so long we won't change things. The paradox Hawaii experiences is duplicated elsewhere. In the farmlands of the mid-Western U.S. in what is termed the breadbasket of the world. Here one man can produce enough to feed many and much of this huge surplus of produce will be exported to the world. But there is a price to pay. The topsoil used to grow the produce is literally exported too, although most of the replenishment can be achieved by chemical fertilizers, the land is literally being forced to yield. Yet there is a law of diminishing returns, and predictions are that due to these conditions there could be a return to the swirling 1930 dust bowl years. To make matters worse chemicals produced to make fertilizer from oil are growing more expensive in Hawaii to reduce profitability and use. Obviously Hawaii does not have vast continental lands so that one can migrate to the next region and continue to farm. There are few options. What can be done? The U.S. Soil Conservation Service (SCS) has been buying up agricultural land in the U.S. to land bank such lands. So many millions of acres of the best farm lands are lost each year to development that there is a concern to keep these lands in agricultural use. Hawaii frequently has its limited agricultural lands rezoned by political bodies for urban use and there is a concern for these lands in Hawaii also. A rational approach is that many of these lands should lie fallow in conservation and replenish for some future use and those living then.

TOURISM:

Tourism is big business for Hawaii and along with military spending may form the basis or larger part of the states economy.

Before the end of December 1982 the four millionth tourist arrived in Hawaii for the year to fanfare and welcoming ceremonies. Tourism in 1981 in Hawaii generated over 1 billion dollars in revenues. It has been highly touted as the savior of Hawaii's economy by the administration for decades. The media will extoll the virtues of the taxes tourism contributes to the economy. So the question is, what did people do before tourism and how did they manage to survive? One answer is the following.

Mostly it is important to remember that many, if not the majority, of Native Hawaiians enjoy a more simple lifestyle and therefore are considered at the poverty level in Hawaii society. This is the lifestyle they have selected to enjoy. Rather than the accumulation of material things Native Hawaiians are more interested in the justice of sharing. But Native Hawaiians have been obliged to conform to other standards and must fend for themselves in the system.

A report of consumer attitudes in 1970 of vacationing in Hawaii showed that natural scenery and good beaches ranked high with prospective first-time and repeat visitors. Newspaper editorials promote the virtues of tourism, to bolster the lagging industry on the big island of Hawaii for the past two years. In this connection a slogan for the big island has been adpopted, "we can still have what we want, and still have what the tourists want, we can share and stay ourselves." A problem is the big island has many attractions but few good beaches to attract visitors.

Conversely a later study in 1972 showed that encouraging more increases in tourism leads to further development. In the process, eventually the tourist becomes "turned off" because the resort destination has lost its naturalness. Thus it can be visualized that slowly but inexorably there is a move toward the potential of the resorts own demise. Destination areas carry with them the potential seeds of their own destruction as they allow themselves to become more commercialized and lose their qualities which originally attracted tourists. In this regard the island of Oahu is rated slightly past its maximum appeal point and the neighbor islands are just approaching theirs. By comparison, Coney Island has long passed it and Miami Beach is almost at the end of the road.

But tourism is supported by the development sector who are pleased by the new construction the industry requires. Developers are substantial contributors to political campaigns and there is a strong effort to keep things rolling along as they are, the picture looks good, but is it? Is this a long term, or just a quick turnover to leave behind a disoriented society? It would appear the answer to the question based on the rapid growth of tourism from 1941 when 31,846 tourists came to Hawaii to 1982 when 4 million tourists came shows a rapid growth in four decades. No planning was involved in this scenario and this is demonstrated as short term consideration by the congestion and poor layout.

Surfing was the sport of Hawaiian Kings. Today there are about 100,000 surfers or ten percent of the population including surfing tourists. A decade ago surf competitors only came for the surfing season but today more and more are staying and settling. There are symbolically more surfers than waves, behavior becomes "animal like" because of pressures and crowds, the sheer force of numbers competing for space. It becomes 'us' versus 'them' and we know who 'us' is because we know who has lived here longer and heated words lead to physical violence. So while the tourist comes basically to Hawaii's beaches, the first area that is being overcrowded are the beaches and access leading to inevitable confrontations. This fact suggests the land facilities are also approaching that state.

Why is this happening? One answer can be selfishness. Selfishness leads to the use and abuse of resources for immediate gain rather than preserving them and the natural beauty that surrounds them for future generations. The point is, those unwilling to share with their contemporaries can scarcely be expected to share with any descendents. There is a behavior spectrum stretching from that of the ego-individual with a tendency of the affluent to be selfish. At the other end can be found the Native Hawaiian in the poverty mode concerned with justice and compassionate sharing. The expression, "the tone of America in the Depression years was set by the truly needy; today it is set by the truly greedy," has a relevant application for Native Hawaiians.

Tourism also brings in a lot of new residents because a certain percentage of them are going to return here to live. These new people need jobs so the answer has been to build more hotels and apartments. New construction provides a limited number of jobs but could provide an unlimited number of new residents over a long period of time. In effect it can be found that tourism is actually creating unemployment, not curing it as we would be led to believe. The question is what do unemployed people do in paradise to experience paradise? Do they turn to crime to realize their expectations?

A real concern is what might happen if it becomes too expensive to fly to Hawaii with rising energy costs? Or that Hawaii with the highest cost of living becomes unattractive, forcing people to move elsewhere who now have to use food stamps in order to feed themselves. There was a large exodus of residents out of Hawaii during World War II for various reasons which indicates they were not interested in the true benefit or value of the islands. Do new residents who come really care and have their roots in Hawaii? Or is Hawaii only good for its beaches and weather, all else is up for exploitation and profit. Many who move to Hawaii do so physically but not always spiritually.

In 1982 we find tourism is on top with more than four million tourists in a $3 billion economy but we also have 1 million residents in Hawaii. Tourism affects population if only because tourists must be serviced. The paradox is that there is at the same time a surplus of labor contrary to unemployment statistics. While it would appear that Hawaii consistently has one of the lower unemployment rates in the nation, this is accomplished by the device of including the "volunteer" military personnel stationed in Hawaii as being a part of the work force and there can be a misconception of the true unemployment picture.

While 1982 has been the best year in tourism yet it is certain that this condition cannot go on forever. The coming year does not appear good for Hawaii's largest industry and it is attributed to the state of the economy, general malaise nationally and even the recent Hurricane Iwa.

A former University of Pennsylvania and now University of Hawaii professor has recently concluded a massive research project to determine the "quality of life" worldwide to find that things are not so rosy. In searching he was not looking at tourism's hotels, restaurants or days of sunshine nor in economic development. Rather he was looking at levels of social caring as reflected in adult literacy, infant mortality, minority treatment, and health and welfare. He examined political participation and stability, language differences and influence of the military and even natural disasters such as drought and hurricanes. The findings showed the nation does not rate high on the average. For Native Hawaiians they suffer even less enjoyment of social caring in their homeland. This suggests Hawaiians require more self sufficiency and self determination to direct their own futures as desired.

FRESH WATER & LIFE:

As frequently pointed out there are water problems. For instance in Waimanalo on Oahu there are some 6,000 acres of land to be irrigated and about 10% or 600 acres was in irrigation in January of 1981 for about 50 farmers and nurserymen. To carry out the entire irrigation of 6,000 acres may take between $2.3 to $16.4 million and several years to accomplish. The problems cited at Waimanalo are not unique and include limited water being available, service being available only three days of a week, dirty water, high operating costs and high water losses in ditches and reservoirs because of a system in operation for the last 100 years. In this kind of a problem the farm needs must compete against the development needs and it is obvious that development needs use lobbying efforts and campaign contributions to promote their cause.

An example of this competing situation is one that has surfaced in Waihee on Oahu. The Waihee farmers went to court after the Honolulu Board of Water Supply began operating wells in 1974 and pumping water from a dike system feeding Waihee Stream to transport elsewhere. The farmers claimed that the lessened water flow caused their taro to rot in the patches as a result of the diversion and reduction of water by the Water Board's pumping. In this connection the Hawaii Supreme Court ruled that private landowners are entitled under ancient Hawaiian law to only limited use of the waters flowing through their properties.

The court further indicated that water cannot be transported to lands outside the valley or watershed where it flows.

At issue is the traditional use of water and whether water rights can be sold and by whom. In this case the purchase of water rights is the key because it implies that the seller by some means has acquired ownership to convey to the buyer, the state in this case the ownership. But the high court has already ruled that water rights cannot be sold and a historic 1978 decision in the McBryde case supports the position that the rights to use the stream water could not be sold. This high court ruling appears reasonable because the Native Hawaiian could be the only one to own ancient water rights that have not been sold in the context of sharing and traditional use.

The pressure of water availability for development is constant. As an example, in December of 1982 more land was rezoned from preservation to residential in Kailua, Oahu requiring a 300,000 gallon water storage tank like all new subdivisions. The rezoning is likely to continue if more applications to be filed are approved for the open spaces and former agricultural lands of the Windward area.

New construction is often dependent upon water availability which further emphasizes that the resource must be managed and protected more closely. Between the last 10 to 15 years there was not much concern about water and a failure to recognize that the resource was finite existed.

The tragedy of much of this is evident in the rationale to build the H-3 highway. It will be 90% financed by the federal government, which is us, for special interest although labelled a defense highway. The route could very well open up and justify more development on the Windward side of the island of Oahu. Some residents there are just "hanging in there." Besides this, an environmental impact statement on the project of H-3 includes testimony that drilling tunnels through the Haiku Valley might disrupt the Halawa Well furnishing 25% of the City of Honolulu's water. There are other arguments on the subject but each time water drilling has been carried out there is a reduction in the normal flow.

In recent years Honolulu's fresh water supply has reached very low levels, threatening an irreversible situation of mixing brackish and pure water. The possibility continues to be a dire possibility. The reduction of the fresh water lens or levels has created other problems in areas where life is dependent upon fresh water to survive. Much of the sea life at the shorelines once fed by seepage of fresh water has disappeared. Seaweed (limu) requires fresh water to grow, and diverting fresh water from natural springs destroys an edible food once enjoyed by Hawaiians in quantity. This contention is supported by the decline and disappearance of "limu" shortly after the fresh water level dropped to very low levels. Whether such seafood can be brought back is not clearly known but the further decline of other dependent sea life can be avoided by better water management to preserve such fresh water dependent species. Related to the disappearance of "limu" was the disappearance of fish dependent upon it as food and the inshore fish that only consumed "limu" but were not carnivorous also disappeared. In those instances two traditional foods of limu and fish were reduced and sometimes eliminated altogether for Native Hawaiians.

VALIDITY OF REPARATIONS:

When U.S. Army General Schofield in around 1872 first arrived in Hawaii, ostensibly on a sight-seeing trip, he was actually under confidential orders to assess the importance of Pearl Harbor as a U.S. military outpost in the Pacific. His arrival set in motion a series of events. Thereafter followed the conclusion of the first Reciprocity Treaty in 1875 permitting exclusive use of Pearl Harbor as a U.S. coaling station in exchange for which Hawaii could export into the U.S. principally sugar, duty free. In 1887 the Reciprocity Treaty was renewed for seven years and would have normally expired in 1894 or about a year after the overthrow of 1893 involving the use of marines from the USS Boston. The involvement of the marines does appear to have some connection with the Reciprocity Treaty expiration and the refusal of Kamehameha V to sell a small island to the U.S. for use as a coaling station.

After annexation of Hawaii in 1898 the entrance to Pearl Harbor was dredged and widened for large ships to enter. By 1941 Pearl Harbor was a huge naval base and the home of the Pacific Fleet comprised of more than 100 naval vessels including aircraft carriers and battleships. Hawaii could be said to "riding point" as the first contact in case of hostile actions or encounters. True to form, fortified Pearl Harbor was attacked on December 7, 1941 in probably the greatest single naval defeat in U.S. history. The rest of the nation was spared any similar damage as Hawaii took the brunt of the attack and carried the burden through the years of the Pacific conflict.

Hawaii has continually served as the final training site of other Pacific campaigns in the years following World War II. A large part of the weapons of war have been funneled through Hawaii over the years. There have been no protests of note. Aside from atomic tests as Almagordo, New Mexico, the state experiencing the closest atmospheric testing to it has been Hawaii and its citizens, but there have been no protests of note.

A report in October, 1982 indicates that at Johnston Island, 825 miles southwest of Hawaii, 12 atmospheric blasts were conducted in 1961-62. At Christmas Island, 1300 miles south of Hawaii, 24 atmospheric tests were conducted during the same period. In May of 1962 a submarine launched an atmospheric warhead 1,000 miles south of Hawaii. During the same period 2,500 miles west of Hawaii at Bikini atoll 23 atmospheric blasts were conducted and 2,700 miles west of Hawaii at Eniwetok 43 blasts and one open ocean blast was conducted. There have been at Mururoa 2,800 miles south of Hawaii some 41 blasts and still more are expected. In all, 144 atmospheric blasts have been executed. Many of these blasts were conducted by the U.S. and which were terminated in 1962 by a moratorium. There were no protests of note in Hawaii, yet there could have been for much of the weaponry will pass through Hawaii enroute to the testing site. At Mururoa there is bitter dissent over "la bombe" and in the Marshall Islands at Eniwetok there is great unhappiness. At the same time it can be found that for the NATO allied command forces in Europe, there are some 6,000 nuclear warheads in their arsenal to equip these forces. Meanwhile between one-third to one-half that number are alleged to be stored near Pearl Harbor. Again, as before, in 1941, Hawaii is a fortified target area. Even the installation of the MX missle site or anything of the sort will arouse great amounts of protests in any other state fearing to become a target area. But in Hawaii there are no protests of note although there are cases of protest principally by non-Hawaiians.

Simultaneously there have been for many years test firing of vehicles over Hawaii. More recently the Air Force plans to test the MX missle in early 1983 on a secret date from Vandenberg Air Base to fly over Hawaii again and land in the Marshalls at the Kwajalein site.

These activities confirm that only in Hawaii can free military space or bases be found belonging to Native Hawaiians without any fees or costs of any kind. In these activities the U.S. retained some 400,000 acres of land for military installations and among the first tracts were the sites of Schofield Barracks and Fort Shafter. Most of these sites are on Oahu and include the Makua Training area, Waianae Kai, Lualualei Radio Station, Mauna Kapu Radio Station, Hickam Petroleum, Kunia, Wheeler Air Base, East Range, National Cemetary, Bellows Air Force, Fort DeRussy, Fort Ruger, Fort Armstrong, Haiku Radio, and portions of Kaneohe Air Force. There are limits set on the amount of land that can be set aside for national defense in any given region and the concern is whether this limit is exceeded in Hawaii based on the method of acquiring the lands in the first place and the fact that there is no accountability to Native Hawaiians.

Although Native Hawaiians have not strongly protested as have other Pacific Islanders or as in the example of the Philippines, about Clark Base, which receives some $500 million annually. There is the Panamanians who receive a rental fee, as do many others, as it is customary to compensate the owners of property for its use.

This brings up the issue of surplus property which the U.S. government from time to time has tried to sell and it appears that the Native Hawaiians should be considered for their interest they have in the ceded lands. Fort DeRussy has been considered as surplus and the government would like to sell it for $221 million. This appears to be an insensitive move.

On the other hand the Federal government diligently seeks to collect rent from the state on the former lands of the kingdom and Territory of Hawaii. It appears that the Federal government bills the state for rent of space in a report of August 1980 while conversely has conveyed to it state property, by quit claim, and avoids paying rent.

The solution seems to be that the federal government should have to pay rent like anyone else including the native Hawaiians for the use of their common property.

But the best reason to pay rent to Hawaiians is from Dr. Helen Caldicott, a Boston Pediatrician and president of the National Physicians for Social Responsibility who said, on October 19, 1982, "there are some 3,000 hydrogen bombs stored on your island, it's inappropriate to feel really happy living here".

To confirm this statement of concern the ultimate folly of limited atomic warfare is evident to all except the proponent. Oahu island is indefensible and any evacuation plans are insane for where could anyone go to escape. While civil defense plans are outlined for the mainland U.S. at least four days warning is necessary to evacuate large numbers. It would be a phenominal undertaking to care for a large population with out supplies and the cost would likewise be prohibitive. To compound this, a statement by Marilyn Braun, director of the Greensboro-Guilford County Emergency

Management Assistance Agency said, "for 20 years funds have been misdirected and deceptive information has been "deciminated" with regard to evacuation plans. Such plans assume a weeks warning could move about two thirds the U.S. population in "high risk" areas. Interestingly Hawaii is one of the listed "high-risk" areas. But where can nearly 1,000,000 people be evacuated to in a relatively short time. A single 20 ton megaton blast over Pearl Harbor indicates only a handful of people anywhere on Oahu at the time could survive, the rest would be maimed and incapacitated, reports the New England Journal of Medicine in November of 1981. The past history of the attack on Pearl Harbor as a fortified region is well to remember.

FORMING THE UNION TODAY:

Based on a National Archives Publication No. 70-13, Library of Congress Catalog card No. 72-607019, on the same day in June 1776 a Continental Congress committee drafted a declaration of independence another prepared a plan of treaties and the groundwork for the "confederacy, the "United States of America" was formed. The United States could enter into treaties, coin money, and regulate Indian Affairs. At the same time some states were claiming lands as far west as the Mississippi River to cause Congress to pass a very important resolution to reject a colonial system for lands to be acquired by the United States. By these origins the question in Hawaii is, was the annexation of 1898 and events prior to that time not indeed contrary to this adopted principle of rejecting colonialism?

Relative to the U.S. regulating Indians, the issue of Indian sovereignty was advanced in 1977 in a publication, by the Institute for the Development of Indian Law, in Washington, D. C. Based on law cases determined in the past as precedents, it was found that Indians possessed certain inherent rights over domestic relations, powers of tax, powers of extradition and the power to make treaties. Prior, in 1871 an attempt was made to foreclose the practice of Indian treaty making with the passage of an act to accomplish this, although the U. S. continued to deal with Indian tribes as sovereign nations well into the 20th century. In 1887 congress passed the General Allotment Act of 1887 based on the inherent sovereignty of Indian governments as the supreme authority to transfer property or recognize inheritance questions. The inheritance aspect is important to Native Hawaiians as they have the same questions relative to succession to ancestral lands in Hawaii.

It was also in 1887 that the Hawaiian Reciprocity Treaty with the U.S. was renewed. While there may be a question about Indian sovereignty, there should not be one about Native Hawaiian sovereignty based on this act of renewing the 1887 Treaty between Hawaii and the U.S.

In August 1976 a paper on Ethnocide in Hawaii was presented to the Tenth World Congress of the International Political Science Association in Edinburgh, Scotland. Ethnocide means the dying out of "unfit" groups, and is the process of natural selection among humans. A reciting of this scenario is a first stage of a self sufficient group, like Hawaiians. Ethnic groups in race relations usually avoid other tribes so food gathering can be accomplished without conflict in defense of a "homeland". Hawaiians may have first come to Hawaii for this reason and were at that stage, of adequate room up until the overthrow of 1893. The next stage is the plantation stage where plantation masters import other ethnic groups to work in fields, and here a major requirement is for ethnic groups to be divided from one another so that there is no chance that the power structure will be threatened. Stage three is the industrialization phase and last comes the post-industrial service economy. At this point inter-dependence, rather than competition is the keynote.

This could be interpreted to mean, now that the earlier plantation masters have consolidated their gains or empires by whatever means, things should be put to rest, and the status quo sustained.

The paper on ethnocide continued to say, Darwin in his hypothesis of natural selection relied heavily on the Malthusian view that life is a "perpetual struggle for room and food". To that extent an island community is of that reality. There was a difference, as Malthus was writing about social conditions and societies and Darwin borrowed the theory to apply in his "Descent of Man" to caution Europeans to be careful in choosing a mate, lest degeneration occur.

In the United States, Darwinism provided a justification for withdrawing the Union Army as the occupying force over the defeated Confederated states after 1877, so the white elites could resume rule over blacks.

As such, Darwinism was readily accepted by the "haole" elite in Hawaii. The history of white and Hawaiian relations in the nineteenth century was reinterpreted by one observer in the following terms: "the decay of aboriginal society when brought into contact with an advanced social order, was....inevitable". This is the theory used to explain away what happened in Hawaii and is the justification to perpetuate the questionable redistribution of Hawaiian assets and the maintaining of the status quo.

Yet there is hope, as publicized on September 3, 1982 the Reagan administration was moving toward terminating the Micronesian trusteeship with the signing of a compact of "free Association" with the Republic of Palau. Negotiations have been completed with the Republic of the Marshall Islands while continuing those with the Federated States of Micronesia. In effect the islands of the Pacific were under a trusteeship from after World War II and now seek more independent status for self determination and more responsiveness and better services by making their own decisions and choices. Hawaii has been under a form of trusteeship since the beginning with the annexation of 1898 and it is time for native Hawaiians to determine their own futures and priorities. The past has well demonstrated how clearly that this is the only avenue to correct past abuses. Native Hawaiians have been patient and welcomed all to share their blessings; sometimes even if it hurt. They also shared the limited material wealth they possessed as an old custom. There is no more to give, rather it is time for Hawaiians to be given back in kind.

TREATIES:

The first "arrangement" between Hawaii and the U.S. was in 1826. Other agreements sometimes referred to as treaties were concluded thereafter. The first Reciprocity Treaty was concluded in 1875 and renewed in 1887. Hawaii was sovereign.

The status of the Reciprocity Treaty is not clear but it can be assumed to be in effect based on the Articles II and III of the Resolution of Annexation of 1897, which declared in part: "The Republic of Hawaii cedes to the United States all lands and public property of every kind belonging to the government of the Hawaiian Islands." This ceding act was improper for two reasons. First, the Republic of Hawaii was not a legitimate government nor did it have a mandate to cede lands. Second, the ceded lands did have an identified interest in them not being satisfied belonging to native Hawaiians and were not truly public lands as inferred in the ceding of 1897.

Further, Article III stated that treaties with foreign governments shall cease, this condition is not clear but still infers the treaty exists as follows by examination. In paragraph two, "The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaty so extinguished and not inconsistent with this treaty, not contrary to the Constitution of the United States, nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine. This last condition is the same as in Article II, that congress will legislate special laws for." Congress simply has not acted in both cases for native Hawaiians as yet.

The conclusion here is that the Reciprocity Treaty of 1887 is still in force, for how could it be cancelled by mutual agreement and as the conditions of annexation not be specifically extinguished as a condition of annexation.

In this connection a clarification rendered by professor W.D. Alexander on March 20, 1897 of the treaty follows:

"Cession of Pearl Harbor Conferences w/Treaty of Reciprocity, the circumstances attending the cession of Pearl Harbor to the United States as a naval Station in December 1884. Showing that Secretary Bayard at that time informed Mr. H.A.P. Carter, the Hawaiian Minister, that he could discern in the amendment to the treaty, which related to Pearl Harbor, no subjection from Hawaiian sovereignty over the harbor to which it relates, nor any language importing a longer duration for the interpolated Article II (relating to the Harbor) than is provided for in Article I of the Supplementary Convention."

The Supplementary Convention was ratified by the Hawaiian Government with the understanding that the right of the United States to Pearl Harbor should end with the Treaty of Reciprocity. It follows that should the U.S. terminate that treaty, it can be assumed they would enjoy no more special privileges.

ARCHIPELAGO CONCEPT:

There were treaties between Hawaii and the U.S. Such relations still exist, apparently. If the early treaties recognized Hawaii's sovereignty and jurisdiction over its internal waters between Islands, that jurisdiction has not been clearly terminated. Because the jurisdiction is in question, Native Hawaiians may continue to exercise administration.

A first step to administration is to examine the Admission Act of 1959 which was a hasty action with large oversights. The Admissions Act failed to determine the Native Hawaiian interest in the ceded lands that have been identified to be set aside or divided out beginning in 1845, and has not been acted upon as yet. The second failure of the Admissions Act was the proposition to permit the U. S. to set boundaries. This proposition was not well enough understood as the great haste to effect first, annexation, and later statehood, denied proper study in both cases of the pertinent issues. It cannot be denied that Native Hawaiians exercised jurisdiction over the waters between their islands. The question follows, what did Native Hawaiians get from annexation or statehood. Especially statehood would deny them the resources of land and those in the water including commerce conducted on the water between islands. There was not even consultation on the matters, there were no benefits and it can be assumed there is opposition just as there was documented opposition to annexation.

Jurisdiction between island waters would include by ancient precedent the administration of minerals in the water. The kingdom of Hawaii issued permits to mine calcium deposits in the past and clearly exercised jurisdiction.

As a matter of fact, any subsurface resources can be included in this jurisdiction. The U.S. has assumed the practice of retaining ownership of mineral resources in the deeds it will convey to purchasers of its (sic) property by quit claim. This assumption reinforces the native Hawaiian interest, for as the apparent successor to the ownership, it is being exercised but without effecting a prior settlement for this privilege.

There is some meaning for Hawaii in the signing of the Law of the Sea by 117 nations in December of 1982. The U.S. has not signed and remains outside the treaty that has taken 10 years to develop through tough negotiations. A reason for the failure to sign the treaty has been given as a concern over the deep sea bed and mining of minerals. There are in the world 116 straits ranging from 6 to 24 miles wide. The freedom of the seas, the Mare Liberum, has influenced a position on the Law of the Sea and right to innocent passage of the U. S. fleet. It appears because the archipelagic concept might interfere with the U.S. fleet operations worldwide, Hawaii is to be denied its archipelagic concept application because such a concept is not observed by the U.S. The point is, Hawaii qualified as an archipelago and is an archipelago in every sense. There is no other benefit for native Hawaiians in any other sense or they shall be denied even further than they have. They have not negotiated away their interest in the archipelago and its resources.

Hawaii like other small Pacific nations have sought control over living marine resources including tuna. The archipelagic concept offers benefits to native Hawaiians they deserve by inheritance.

COMPARATIVE SERVICES:

In 1975 more than 150,000 Native Hawaiians were reported to live in Hawaii. Another estimated 20% live outside Hawaii so there is between 180,000 to 200,000 Native Hawaiians in all. Some 30 to 50 thousand have moved out of Hawaii to live elsewhere and seek better opportunities. So while there is in-migration there is also a counter flow of Native Hawaiians in an exodus seeking wider opportunities.

To examine the services available to Native Hawaiiians and a relationship of opportunities versus migration, the following institutions or organizations are enumerated.

In the private sector, some 2,800 students are partly subsidized at Kamehameha Schools out of an eligible total of 60,000 students. This indicates that nearly 5% of the total are served at Kamehameha on a full-time basis. In addition some 9,000 or 20% of the population of Native Hawaiians is also served on a part time basis on an annual budget of about 18 million dollars.

Liliuokalani Trust serving orphan and indigent children operates on a budget of approximatley 2.5 million dollars a year.

Lunalilo Home to serve aged or indigent Native Hawaiians operates on a portfolio of investments valued at about $1 million to serve less than 100 individuals a year.

The State of Hawaii government administers the Hawaiian Homes Act of 1920 to place qualified native Hawaiians on homesteads. By 1975 some 3,000 families had been placed on homesteads. There are about 30,000 eligible families who can qualify for homesteads. As of this writing there are about 7,000 applicants for homesites and agricultural leases. It would take some 400 to 500 million dollars to place all of these applicants on the land and take many, many years. The budget of the Department of Hawaiian Homes has averaged about $13.5 million per year in recent years.

Alu Like Inc. serves all Hawaiians and is a non-profit organization. Funds are mostly derived from the federal government and the budget is about $4 million annually.

The reciting of the statistics on the foregoing agencies can assist arriving at the amount, or cost of service, that is rendered to each Native Hawaiian in the state as opposed to the entire state population for a comparison.

The compilation follows:

Kamehameha Schools Budget	$18	million	per	year
Hawaiian Homes Budget	13.5	"	"	"
Alu Like Inc. Budget	4	"	"	"
Liliuokalani Trust Budget	2.5	"	"	"
Lunalilo Trust Budget N/A	----			

Total.....$38 million

It appears that Native Hawaiians receive in special benefits, about $150 per capita per annum. Or the number of Native Hawaiians today divided by the total budget of 38 million dollars. The benefits so derived, come nearly equally from private and government sources. In practice it must be realized that only the smaller percentage of beneficiaries are served and that there are other contradictions, even discrimination involved.

At a glance it can be seen that the state's total budget of $3 billion dollars divided by the population works out to about $3,000 per capita for fire, police, roads, schools and services, all from taxes. There is a difference, which is due to the planned private sector and not by taxes. Yet there is another difference, Native Hawaiians share the revenues generated from their ancestral lands with the entire population but the reverse is not true. This appears discriminatory and some adjustment seems reasonable.

If by conjecture the Hawaiian Homes Act of 1920 could be considered some form of reparation, it may have done one thing; it recognized that Native Hawaiians had a right to such lands by their interest via succession. Even if the right to succession might cease because of a blood quantum requirement.

The record reflects that by 1975 only 25,000 acres out of the original 200,000 had been parcelled out to assist rehabilitation, as the stated purpose of the Act, but it may have been a cruel joke. This is because all the better lands were under cultivation already, leaving only poor lands to cultivate, as an intent of the Act. So the intent has not been achieved and may never be, but which continues to lead to expectations and perpetuation.

In 1800 some 400,000 Native Hawaiians existed. By 1920 when the rehabilitation act was implemented an estimated 50,000 natives could qualify for the acts benefits. Today there are a little more than 30,000 who can qualify under the act for benefits. The 200,000 acres set aside by the act for between 40 to 50 thousand natives indicates about 4 to 5 acres per individual was contemplated. Or may have been the formula used in the rehabilitation acts setting aside 200,000 acres.

A recent closing of a sugar plantation on the big island of Hawaii outlined the proposal, as a severance measure, of assigning 5 acres to each employee discharged. The proposed 5 acre assignment equates to the number assumed to be the basis in the Hawaiian Homes Rehabilitation Act of 1920. Although there is a difference. The plantations' lands to employees are good cultivable ones as opposed to the poor lands native Hawaiians are assigned. The disparity grows wider because the cultivable or good lands are prime candidates for future development. To keep land in agriculture the state may have to purchase these lands and land bank them for future benefit and to conform to the state's "selective growth" posture. However it is accomplished, it is certain Native Hawaiians will have to continue to pay.

POPULATION:

Population is a factor in Hawaii and should be a concern of all. If it is not a concern for all it is a concern for native Hawaiians if only because population stretches resources and reduces opportunities.

Hawaii is fragile, more so than Hong Kong or California. Both Hong Kong and California have water problems among others and have solved their problems by acquiring water from the new territories of adjacent Communist China for Hong Kong and from Owens valley for the city of Los Angeles by painful confrontation. Today the word in California seems to be, go anywhere but the proverbial West, because of the water supply. Hawaii has no adjacent water source to tap when there is a need. Aside from that there has been large influxes of refugees and such into both these regions as well as Hawaii, but in Hawaii the increase has been dramatic proportionately.

In January of 1977 the state legislature was apprised of the state of the state in a gubernatorial address which pointed out that a fragile community like Hawaii could be easily destroyed by overpopulation and excessive demands on its resources. There followed the expression that we should not endure uncontrolled and unregulated futures. We must shape our own futures and not passively accept what events the free market forces might impose upon us but rather support "selective growth" concepts.

On the other hand present U.S. laws prohibit rigid population controls and therein lies a paradox. A state like Hawaii was never considered when the union was formed under the constitution as a non-contiguous state with the limited resources of an island. As the only such state there should be an exception by some arrangement to protect and preserve the integrity of such an unusual island state. There are discussions of supporting many more times the present population, however such talk does not take into consideration the fact that migrating to Hawaii to find another job is not just a matter of picking up in a car and driving to another region to find a job to support oneself.

The suggestion that Hawaii can support many more times its present population is not a well thought out proposal. The examples of island states that have experienced large populations has demonstrated that there are unsatisfactory problems of many kinds in crowded and impoverished islands. Fundamentally it is more humane to distribute the regions assets more evenly in sharing on an island than to crowd masses in poorer straits to scramble for any sustenance at the other end of society. Hawaii has a history of such an arrangement, of a small affluent group at the top and immigrant labor supporting the entire structure. There is no need to perpetuate the examples already acted out in the past.

It is unfortunate that the Simpson-Mazzoli bill on immigration reform did not pass congress in December of 1982. Chiefly because it appears as if there is also a national concern about overwhelming immigration. There is a matter of conscience involved, as all Americans are immigrants or their descendents are and to bar further immigrants would appear to be hypocritical. Yet there is a difference for native Hawaiians who are not immigrants but original inhabitants trying to preserve themselves and theirs. Further, in Hawaii the process is reversed. While each group immigrating to America enhanced it, actually the country had a greater effect on the immigrants themselves, especially later generations. But it could be said that the immigrants have had a greater effect on the original

Hawaii and its people to the detriment of native Hawaiians than in the foregoing assessment and is in Hawaii the other way around.

At this point it seems Hawaii by its elected representatives may not be facing the issues with urgency. Or, if they are, it has taken a long time to recognize the issues. This being the case native Hawaiians should be managing their own affairs as the original inhabitants of the land with an interest in it.

LAND VALUES:

To use an example, the princess Bernice Pauahi Bishop Estate of Hawaii consists of approximately 300,000 acres of land now valued in the neighborhood of $3 billion. Federal lands in Hawaii, largely those acquired as ceded lands in 1897, approximate now 400,000 acres. By the foregoing it can be calculated the present value of aggregate land in Hawaii will have an indicated worth of $1 billion per 100,000 acres.

Therefore the assumed worth of the 400,000 acres of federal land in Hawaii acquired in the ceding of some 1.7 million acres in 1897, is now worth approximately $4 billion. A usual reasonable return on such a total value could reach $240,000,000 per annum.

Based on the native Hawaiian interest in the ceded lands any income or portion of $240 million would be a welcome change from the past oversights where there has been no compensation at all. On the other hand, even foreign nations receive compensation for the use of military or diplomatic installations. These are the Phillippines ($500 million a year), Japan, Korea, Panama, Cuba, Diego Garcia and others too numerous to mention. Some of these nations strongly protest to the prescence of nuclear weapons but not Hawaii.

By way of comparison, the Passamaquody Indians in Maine asked for $25 billion for their lands in Maine and the Reagan Administration in 1982 attempted to sell land in Waikiki, Hawaii on the beach for $225 million. The huge value of the ceded lands and their potential income over the years can be appreciated. Not only the income is substantial but also the interest on the income would be an astronomical amount if computed from the beginning to the present.

There is no reason for Native Hawaiians to be deprived of this income over the years, with society acknowledging that compensation is the acceptable mode of dealing within the community for services or use of property.

The point is, if the overthrow of 1893 spawned an illegitimate government, and the evidence is ample, then the transfer of sovereignty and 1.7 million acres of ceded lands was also illegitimate. It is certain the annexation of Hawaii was promoted by those who were involved in the overthrow and would go to any lengths to achieve a union to protect their interest. In the effort to transfer sovereignty and the assets of Native Hawaiians it is evident the U. S. accepted the transfer as trustee. The beneficiaries have been failed by the trust because Native Hawaiians have been taxed 100% and no benefits accrued to them directly since the overthrow of 1893. Because this is so, the trust should be terminated. Native Hawaiians can assume the management of their own assets and determine their own priorities.

LEGACIES:

When Thomas Jefferson in June 1776 drafted the Declaration of Independence, he recited the philosophy of continental philosopher John Locke as to the ideals of individual liberty. During the debate on the U.S. Constitution, it was fresh in the minds of the people of the new United Colonies, the memory of the central British government's violation of civil rights. To counter-balance the strong central government of the U.S. Constitution, the Bill of Rights was perfected to maintain the rights of the people. These three documents are the legacies of the American people.

In Hawaii, the constitution of 1840 could be construed as a declaration in independence as it freed the commoners from the labor tax and gave them political power by a grant from the king.

Previously, in 1839, the King had granted an "Amendment of Rights" to equate to the "Bill of Rights". Following the first constitution of 1840, came constitutions to better define the role of government. Progress had been rapid in Hawaii as by comparison in California in 1850, the Fugitive Slave Law was summarily enacted.

There are similarities in each region of the origin of constitutional government for both cases as legacies. But in Hawaii there is a difference. The legacies left Hawaiians were developed from their ancient culture. not so in the U.S. In addition to the original founding documents, the legacies exist in many other areas. These other areas include the visible hospitals, Queen Kapiolani Maternity, Kauikeauoli Children's. There is the educational institution of the Kamehameha Schools, the Liliuokalani Children's Center for orphan children and a home for the aged and indigent donated by King Lunalilo. There is also the maligned Palace, severely criticized during construction but only now appreciated. And there are many others that can be experienced today of lasting enjoyment. All of these are the legacies to Hawaiians earned and preserved for posterity including the Kuleana Act and its concept. There were not many others left to their heritage and attests to the soundess of the early leaders (alii) who foresaw the needs. These activities indicate the intent of the Alii of Hawaii relative to the declaration of Kamehameha I, "the lands belong to the people in common" to be followed by the expression "the land shall descend to the Heirs forever". This expression is borne out in the existence of the landed properties of Kamehameha Schools, Liliuokalani Trust and the Queen's hospital, all operational on the income from a land base. This also alludes to the interest in the Crown lands or ceded lands of Hawaii and the succession of these lands to the descendents. There can be scant other interpretation of the early declarations and intents.

The interruption of this intended process has put down the Native Hawaiian constitutional legacy and atttempted to reinterpret the intent of land succession by redistributing it. At the same time, there are legal activities that attempt to explain or justify the redistribution.

These activities should be refuted as being not representative nor the will or intent of the Native Hawaiian.

With regard to the Native Hawaiian constitution legacy, it has been held in suspension since 1893. In response to published advice that native American groups were being advised to update their constitutions, a native Hawaiian group, the Council of Hawaiian Organizations, forwarded an inquiry on the matter in August 30, 1976. The Department of the Interior replied, the Aboriginal Hawaiian Claims Study Commission was being considered to look into Hawaiian matters and the inquiry appeared premature. The legislation to establish the "Commission", S.J.R. 4 did not pass Congress.

In late 1980, the Native Hawaiian Claims Study Commission legislation P. L. 96-565 passed in Congress. The Study Commission, during hearings in Honolulu, Hawaii in the month of January 1982, was advised of the earlier inquiry to update the Hawaiian constitution. Matters have rested till the present awaiting the Study Commission's recommendations.

REAL ESTATE:

In Hawaii, real estate occupies a unique position. It is said, that when E. F. Hutton the stock broker speaks everyone listens. But this is not the only time because when real estate is mentioned in Hawaii at a cocktail party, all conversation stops. Anyone who moves to Hawaii is expected to get a real estate license to help sell properties of land, homes, condominiums and time sharing. It is a mania out of control.

In 1979, the Hawaii State Legislature was considering regulating time sharing sales in Hawaii. A year earlier, in 1978, time sharing operators had agreed to stop soliciting people on the streets in the tourism mecca of Waikiki. There had been hundreds of consumer complaints about abuse, harassment and high-pressure tactics. By 1981, legislative action was again being contemplated to ban future time-sharing real estate sales companies operations and to stop solicitations of tourists on public beaches and sidewalks.

It was also in 1978 that a real estate appraisal firm was charged in a campaign fund kickback scheme for political contributions made to various state campaign coffers in 1978 and 1979 in the amount of $8,000. Those charged explained that political contributions are a customary part of doing business with the Hawaii state government. However, it was not realized some of the money so acquired may have come from alledgedly padded subcontracts with the state. Those charged were accused of conspiring to pad a government Hawaii Housing Authority contract and apply the overcharge to selected campaign coffers.

The issue is there are opposing forces at work, one to cut up and sell everything and the other to reserve what is left and can be saved. The short term is to turn over quickly by any means as may be seen by the following.

An example of why housing is costly in Hawaii can be seen in the case of two developers in 1959. The developers transferred the development rights for 500 acres they acquired to a company they owned, Lakeside Development Company. Then the development rights were transferred to Hawaiian Pacific Industries which they also owned and finally transferred to a third entity they owned, Island Construction Company. The developers in each of three transfers were to receive profits and all taken without providing any construction at all. Meanwhile, the cost of the home to the consumer would be inflated and the sales thereby inhibited as the holders of the master lease would be limited to the original low lease rent income. So while the income in the lease rent is fixed, the cost of a home increases (owing to profit-taking in the multiple assignments), and at the same time, the marketability decreases due to higher price. This practice is a part of land speculation in Hawaii.

The problems with residential lease rents as they had been pointed out earlier, is that development agreements were usually written to favor developers at the expense of the landholder. The landholder, in this case, the Bishop Estate in certain regions, had agreed to give anywhere from 50 to 95 per cent of the lease rentals to developers for a period of 25 years. In this case, Native Hawaiian beneficiaries were to be denied again. The total income from the estates properties was close to $10 million per year. But an analysis shows that in one area alone, the Pearl Harbor properties of 15,621 acres there could be the same number of residential lots as acres. The average lease rent per lot per month was $190. This means there is about $10 million total in annual lease rents for the 15,621 acres for 25 years. A developer retaining a "sandwich deal", 70% of the lease rent generated would receive

$7 million per year compared to the estates total income from all of its lands of only $10 million per year. Or put another way, the rent not received in the sandwich deal would nearly equal the estates entire yearly income from its total lands. For the life of the lease, the total rent not received and enjoyed would be a handsome $190 million including interest.

Although this was a practice at the Pearl Harbor Heights area, other leases existed at Enchanted Lakes, Hawaii-Kai Development Company, Alii Shores, Crown Terrace and Haiku Plantation.

The annual master's report commented on the matter to say, "to find a large landowner such as Bishop Estate in a period of great shortage in the supply of land for residential use to find it necessary to pay such substantial amounts in the way of lease rental participation as an inducement to such a developer, is inconceivable".

Not only were the trustees neglecting to protect the interests of the Estate, they also seemed to be active partners in creating and sustaining the inflationary housing situation. Instead of limiting speculation in their development agreements, the trustees were content to let speculation continue unabated. As a result, more and more families in Hawaii found they no longer could afford to buy a house. The only people who benefited were the developers who were promoting a high turnover in development rights to Bishop Estate land.

Why does this happen? Perhaps one answer can be the State Land Use Commission which designated urban lands and influenced the development process and benefited developers who supported the incumbent political party.

But there is another facet to the entire process. The process generates backlash as the home buyer, in paying the high initial fees, accumulates an interest in the package that has to be considered later when the fee sale is considered. Although the home purchaser has paid out his money it has, to a great degree, gone to the developer and not so much the estate. When the lease fee interest is computed, the Estate invariably will be forced to accept less than the fair market value. So the process means the developers closely associated with the political party in power are literally into the estate. This being the case some other arrangement should be sought to protect the interests of the native Hawaiians in their estate. One way is to grandfather the estate out of the dilemma. Since the Princess Bernice Pauahi conceived her will under her own government and expected that the administration would remain understanding and compassionate and not subject to another political power, a return to that status would be most reasonable. There is not so much a need for developers in the estate as trustees, as sometimes argued, because the results can be seen. The income of the estate has not proportionately increased, because we will be reminded that lease rents stay low for 25 years until renegotiated. On the other hand, the developers do quite well; in fact, more than well. Educators are not needed on the board either as can be seen by the past. What is needed are businessmen to manage the estate properly without ties to the political community or associated with development interests as has been the case in the past.

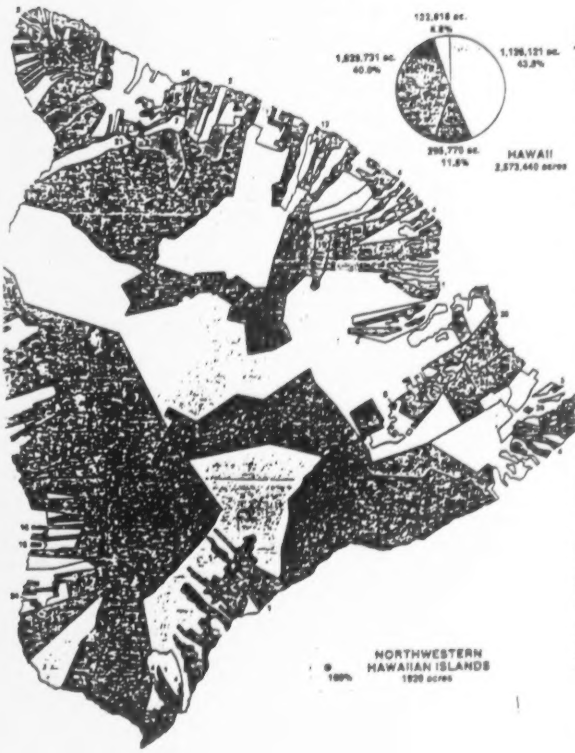
The same developers also tried to circumvent the laws intent by developing two acre "residential" lots in the Waiahole-Waikane area of Oahu. There was stiff resistance and an actual confrontation in this instance that involved the tenants, some of whom were Hawaiians, of long residence. It was obvious that two acre parcels were not for the ordinary person living in Hawaii and that the resources and lifestyle of the region would be displaced for some other more affluent lifestyle. The issue has calmed down and leases have been arranged.

In Mokuleia on Oahu, the same type of development has been proposed. Prior to the sale of the parcel involved legal notices in the paper began appearing to name the heirs to certain properties of the district. As few, if any heirs, came forth by the specified time the property was quiet title acquired. In a related sale that followed the Northwestern Mutual Life Insurance Company acquired Mokuleia lands as only an "investment". Very shortly after the purchase the Life Insurance Company outlined plans to develop two acre farm lots at Mokuleia. It seemed rather odd that after saying the land was not going to be developed, immediately thereafter a plan for such was submitted. As usual, there are water and access problems for the "agricultural" subdivision.

A concern is that according to a publication put out by the Nature Conservancy organization, for every $1.00 expended by a developer, the long term costs to the community will be $3.00 to maintain support services. So in effect, the purchaser pays the initial costs of a unit purchased but the community has a long term indebtedness due to the activities of a developer. It is no wonder the communities taxes are high to keep up with expanding development. By these conditions, increased development is not necessary to the community and even less to native Hawaiians.

What has come out of all of this is Honolulu is a haphazardly planned and poorly designed city. A poor imitation of any mainland city. Some neoclassic, Doric or Renaissance. Because this is so, Honolulu has already missed its opportunity to develop an indigenous architectual style with its mainland imitation of a city with a "heavy" style. Such heavy style influenced by the introduction of air conditioning and its questionable efficiency. Meanwhile, the city continues to grow haphazardly putting up as many heavy mainland type buildings as possible. Land, in Hawaii, has not developed as an asset to be used and built upon wisely; rather it is a commodity intended to produce as much income as possible in revenues. In view of this widely practiced process to extract as much as possible from the land in revenues, the native Hawaiian needs lands set aside, to continue a reasonable existence, preferably from the ceded lands.

LAND OWNERSHIP



LAND OWNERSHIP

		acreage
☐	State of Hawaii	1,590,53
■	Hawaiian Home Lands	
■	Federal Government	402,084
■	Major Private Landowners	
1	Bernice P. Bishop Estate	369,45
2	Richard S. Smart (Parker Ranch)	185,94
3	Castle and Cooke, Inc.	153,91
4	C. Brewer and Co., Ltd.	145,14
5	Samuel M. Damon Estate	142,84
6	Alexander and Baldwin, Inc.	126,79
7	James Campbell Estate	81,54
8	Amfac, Inc.	81,417
9	Molokai Ranch, Ltd.	73,975
10	Gay and Robinson	55,800
11	Niihau Ranch	46,065
12	Theo H. Davies and Co., Ltd.	43,490
13	McCandless Heirs	37,622
14	Haleakala Ranch Co.	33,041
15	Grove Farm Co., Inc.	22,516
16	Yee Hop, Ltd.	21,830
17	Ulupalakua Ranch, Inc.	21,557
18	W. H. Shipman, Ltd.	20,599
19	Thelma K. Stillman Trust (Huehue Ranch)	15,438
20	Puu-O-Hoku Ranch (G. W. Murphy)	14,262
21	Kahua Ranch, Ltd.	14,013
22	Queen's Hospital	13,065
23	W. H. Greenwell, Ltd.	12,149
24	Dillingham Investment Corp.	11,471
25	Kealakekua Ranch (S. Greenwell)	11,136
26	Hawaiian Ocean View Estate	10,642
27	Kaupo Ranch, Ltd.	10,037
28	Queen Liliuokalani Trust	9,794
29	Kaonoulu Ranch Co., Ltd.	8,813
30	Estate of H. K. L. Castle (Kaneohe Ranch)	8,606
31	Frank R. Greenwell (Palani Ranch)	6,917
32	Zion Securities Corp.	6,514
33	Francis H. Ii Brown, et al	6,164
34	Eric A. and August F. Knudsen Trust	5,879
35	Hawaiian Paradise Park Corp.	5,503
36	Bernice P. Bishop Museum	5,257
37	Austin Heirs	5,255
38	Capital Investment Co., Ltd.	5,182
39	Kapoho Land & Development Co., Ltd.	5,174
☐	Small private landowners (less than 5000 acres)	257,059

Source: Land Study Bureau, University of Hawaii
Economics Research Associates

INDUSTRY

Industries for Hawaii are worthwhile to contemplate.

Past history indicates that it all started with agricultural products like sugar raising. Then came the rise of military spending for many years to be replaced by the tourist industry as the top economic producer in Hawaii.

In 1982 the tourist industry reported the best year ever. The forecast for 1983 is a tapering off. A University of Hawaii Professor in an address to the Hawaii Economic Association pointed out that the rising energy costs in the 1980's will result in higher shipping and transportation costs to tend to increase the cost of construction and basic costs of living in Hawaii. He also noted a trend of indigenous young people being forced to the mainland to find jobs and the need by some of the U.S. military to use food stamps in Hawaii to make ends meet because of the high cost of living. There will be further strain caused by continuing price rises. This condition may slow population growth but at the same time curtail economic activity. Higher costs will put severe stress on the competitiveness of the Hawaii visitor industry and create problems for exports of sugar and pineapples while affecting imports of feed for the livestock and dairy industries. Social, racial and economic stresses, along with resultant crime, could reduce the appeal of Hawaii as a place to headquarter for corporations or to vacation. There are problems of crime supported by the drug trade and accompanying vices. Hawaii has all the potentials to attract organized crime reports the Honolulu Police Department who state they are not able to cope fully with the problem even at the present.

What about attracting "clean" high tech industry? Hawaii faces a tough competitive fight in attracting these "clean" industries, it has been pointed out at a big island Private Industry Council meeting, in late 1982, of executives from Hong Kong and Taiwan. Hawaii may be lacking in a skilled labor force, acceptable living costs including housing and a favorable tax structure.

What are the alternatives, if any? Hawaii has labor although unskilled, but not affordable housing which is accompanied by the highest cost of living, nor a favorable tax structure to attract business. Yet the possibility exists for native Hawaiians to attract such businesses by affording favorable tax structures and the entire community can benefit. In some cases there is a lack of competition in Hawaii. There has been a concentration of economic power since early times and along with economic power has gone political power. One clear area that has remained essentially the same has been banking. Native Hawaiians may assist in this area with a special status.

So while it would seem Hawaii has a monopoly to offer in tourism and climate, it does not have one to offer new industries because of the high cost of living including housing and suggests some change in the supply structure is desirable.

As far as increasing the number of travellers to Hawaii, it is possible provided it is not to increase the population. Even the state governor as far back as January, 1977 advocated "selective growth" as a future policy for Hawaii. This philosophy is used in other destinations that encourage visitors but not residents and are quite blunt about the situation.

This may be accomplished by creating a shopping mecca which can attract tourists from across the world seeking bargains. It works in practice, like in Hong Kong and could work in Hawaii. But again, only with a special status that can be acheived by native Hawaiians.

In such an undertaking, the native Hawaiian would appear to be the only group to offer such an attraction to encourage competition for community benefits. Native Hawaiians would like to see more competition in Hawaii in several areas to help reduce the cost of living. Hawaii has not move too far from the era of the 1900's to the 1940's. Although there is more foreign investment, it many times is more of a speculative nature and not especially concerned with the long term welfare of Hawaii.

INDUSTRY & POPULATION MILESTONES

1779	Captain Cook arrives to find an estimated population of 400,000 natives.
1831	Sharp population decline to 130,313.
1835	First sugar plantation on Koloa, Kauai of Ladd & Co.
1848	Kamehameha III land division or Mahele, creating private property.
1851	Native population down to 73,137.
1865	First contingent of 522 Chinese arrive to work at $4 per month.
1868	First group of 148 Japanese arrive as contract labor.
1872	Population further decreased to 56,897.
1875	Kalakaua signs first Reciprocity Treaty, creating an exclusive tax free import-export status.
1887	Kalakaua extends the exclusive Reciprocity Treaty to permit United States access for seven more years until 1894.
1890	Total population is 89,990; Native Hawaiians are now only 40,500.
1900	Annexation completed and Organic Act implemented.
1922	First group of Filipinos arrive.
1930	The Planters Society, first organized in 1864, has now brought into Hawaii some 400,000 men, women and children for plantation labor.
1934	Jones-Costigan Act threatens Hawaii sugar and again spurs a Hawaii Statehood Movement to protect sugar.
1939	There are 37,500 sugar workers on plantations.
1940	Hawaii's population is 422,770, or it now approximates that of Hawaii when Captain Cook first arrives.
1941	There are 31,846 tourists to visit in Hawaii.
1946	The last Filipino contingent arrives and the International Longshoremen and Warehousemen's Union (ILWU) organize the industry and carry out the first strike against the sugar planters now producing one million tons of sugar annually.

1948	There are 36,397 tourists to visit in Hawaii.
1950	72% of the world's pineapple for the market is produced in Hawaii.
1954	The Democrative party takes over the reins of government to terminate the planters Republican party control.
1959	Hawaii becomes the 50th State and spurs on a business boom that lasts more than a decade and brings construction of many of the high-rise buildings of today.
1961	The Democrative party develops the Anti-Trust Law forbidding interlocking directorates. Majority shareholders in several of Hawaii's factoring houses pass to out-of-State shareholders.
1967	First year 1 million tourists arrive in Hawaii.
1969	Hawaii now only produces one-third of the world's pineapple crop and is down from the 1950 production.
1970	Hawaii's population is 768,559, or has nearly doubled in thirty years since 1940.
1972	The first year that 2 million tourists arrive in Hawaii.
1974	Congress allows the Sugar Act to expire and, after forty years of price support, sugar gluctuates on the world market.
1977	There are only 7,500 workers on the sugar plantation due to mechanization, while sugar production remains at over 1 million tons annually.
1980	Hawaii has a population of 944,000, and is approaching the 1 million mark.
1982	Hawaii has catered to 4.2 million tourists during the year to generate over 3 billion dollars in revenues.
1983	Predictions are that tourism may increase by 5% in the coming year, subject to a generally poor economy.

-SECTION F-

CONCLUSIONS AND RECOMMENDATIONS

UPDATING CONSTITUTIONS

In early 1976 a newspaper article advised native American groups to update their constitutions. Subsequently, the COUNCIL OF HAWAIIAN ORGANIZATIONS mailed an inquiry to the U. S. Department of the Interior on the matter of updating the native Hawaiian constitution. On December 27, 1976 the Solicitor, Department of the Interior replied he did not have knowledge on the matter or was not aware of jurisdiction over native Hawaiian matters. Another inquiry was made by the Council of Hawaiian Organizations and on March 20, 1978 a second reply from the Department of the Interior was received.

The second letter from the Department of the Interior again stressed an unfamiliarity with Hawaiian Native claims. However, it was pointed out that S. J. Res. 4, the Aboriginal Hawaiian Claims Settlement Study Commission legislation was under consideration and that the Department endorsed the concept of S. J. 4. The bill S. J. Res. 4 did not pass in Congress but a similar legislation P. L. 95-565, the NATIVE HAWAIIANS STUDY COMMISSION did pass the Congress to address the culture, needs and concerns of the native Hawaiians.

On January 15, 1982 in Honolulu the NATIVE HAWAIIANS STUDY COMMISSION held hearings and a request was made to the Commission in testimony to consider updating the native Hawaiian constitution as per previous requests to the Department of the Interior. It appears the Study Commission was the proper body to submit the request to for consideration.

The Final Report of the NATIVE HAWAIIANS STUDY COMMISSION does not make comment on the testimony requesting contrary to the published advice to update native constitutions.

The foregoing dialogue clarifies Section V of the Summary and is supported by Exhibit "L" in the Exhibits portion.

CONCLUSION

There is much evidence and information that refutes Volume 1 of the NATIVE HAWAIIANS STUDY COMMISSION Final Report. This would include the Library of Congress CONGRESSIONAL RESEARCH SERVICE Report of 1978, NATIVE HAWAIIAN LAND RIGHTS by Neil Levy, CROWN LAND COMPENSATION CLAIM by the law firm of Hindman and Coolidge, A CASE FOR REPARATIONS FOR NATIVE HAWAIIANS by Karen Blondin, THE HAWAIIAN INCIDENT by J. A. Gillis, U. S. House of Representatives McCreary Resolution overwhelmingly condemning the overthrow in 1894, the U. S. Senate Joint Resolution 155 admitting a wrong and passed by the Senate in 1976, the Blount Report of 1893, the President Cleveland message to the Fifty-third Congress in December 1893, HAWAII'S STORY by Queen Liliuokalani, Volume II of the NATIVE HAWAIIANS STUDY COMMISSION, HAWAII SANDALWOOD TREES by L. Agard, and hundreds of hours of testimony submitted by hundreds of witnesses. All of this information had been used sparingly if at all. What has been lacking has been the opposing view by the annexationists and unfortunately the government seems to be taking that adversial role. It is unfortunate because these sources represent thousands of hours of investigations and research. Conversely VOLUME 1 due to budgetary and therefore time constraints is accompanied by a built in bias and has produced a deficient report in the diplomatic section.

Volume 1 is deficient essentially for being an extension of the Morgan Report of 1894. The chair biased the Morgan Report to admit the intent of the Reciprocity Treaty was to gain political and economic control of Hawaii in a partisan politics undertaking. The similarity is Volume 1 also appears biased and in a partisan manner. Both of the two Reports fail to confront the detailed investigations supporting native Hawaiians and appear to be glossing over the issues.

No ammount of consideration or otherwise can ever fully rectify the pain and damages inflicted by the acts of 1893 and thereafter. The record is clear that Hawaiians developed a form of government based on their culture. This government evolved and incorporated many enlightened practices during nearly a century of existance to bring prosperity to the Hawaiians and demonstrate they were capable and desirous of managing themselves and their resources. The loss of this government capability and attendant prestige is not readily estimated and could be said to be price~~less~~less. This same loss may be attributed to the action of an American diplomat who granted recognition to so-called revolutionaries and also the acts of a military nature to place Hawaii under a U. S. protectorate resulting in the establishment of a Provisional Government. These actions have never been reversed. The Provisional Government caused distress and harm to Hawaiians and their assets. This condition prevailed under the Republic to a greater degree when lands were declared alienated and later Crown lands were sold without considering the common property interest of Hawaiians. There is also the issue of the redistribution of the Hawaiians wealth and the affording of the unequal exploitation of the environment to the disadvantage of Hawaiians. Because the initial recognition was never corrected and again later recognition was given the Republic in concluding an agreement to annexation, the injury was compounded. The question is how will Hawaiians be compensated for these injuries.

Because of the great haste and acts of ommission and irregularities committed the validity of the events of 1893 and after are questioned. How can Hawaiians be bound by actions they were never consulted upon nor had sworn to uphold. These actions resemble clever moves and legal maneuvers but were unilateral in nature and may lack the necessary force of law.

The great preponderance of data and examples in the areas of concern point out that native Hawaiians have done better in the past for themselves and the conclusion follows that they can do better for themselves in the future. This conclusion is based on Hawaii's history prior to 1893 and the responsiveness of government to native concerns at the time.

For example the history of the annexation alone is a case in point that clearly shows the illegitimacy of that act and the conduct of the incumbent government prior to that act.

In that connection it is a wonder, how anything of lasting appreciation could be, or was built during the years of Hawaii's government after the overthrow of 1898 as the controllers of Hawaii's wealth did not permit the drain off of funds into the public sector for any improvements. This inference is supported by the fact that this lack exists and is a revelation of attitude, whereas the native Hawaiian had the pride to construct those legacies that gave him identify and a lasting relationship to his homeland. The record indicates that the industry dividends for the period were high but the tax burden was carried by the general populace through school, road, poll and excise taxes almost exclusively.

Speaking about annexation, it had been considered at times previous to that of 1898. The problem is, then, it was considered from the native Hawaiian viewpoint and benefit but when finally accomplished only served the ends of non-Hawaiians. It is totally within the realm of possibility that because the island of Guam and Puerto Rico have often been mentioned as new states to the U. S., that the Hawaiian people would consider becoming a state on their own terms with their own congressional delegation, not withstanding that no state may be carved out of another. Although the ceded lands may serve to overcome this obstacle as a qualifying land base.

In summation the Organic Act of 1900 was unsatisfactory in many ways. Although it adopted enmass the great body of Hawaiian statue law evolved from traditional Hawaiian practices it failed to clearly recognize the native Hawaiian interest that they have in their ancestral lands. The Organic Act only served to further land proliferation founded on illegitimate acts to the detriment of native Hawaiians.

The Statehood Act of 1959 was a follow up of the Annexation. In both acts the interests of the native Hawaiian were over-looked and deserve review because of this fact. Today it is more a matter of identifying ancestral lands not conveyed by a sale and now held in a trust. Such lands can be designated as commonly held by the descendants of the original native Hawaiians through succession.

RECOMMENDATIONS

Based on the many conclusions in the areas of concern such as: LAND & HOUSING, BLOOD QUANTUM, RELIGION, PRIVATE SECTOR, CRIME & DELINQUENCY, LAWS, EDUCATION, JOBS, TOURISM, FRESH WATER & LIFE, VALIDITY OF REPARATIONS, FORMING THE UNION & TODAY, TREATIES, ARCHIPELAGO CONCEPT, POPULATION, LAND VALUES, LEGACIES, REAL ESTATE, AND INDUSTRY there is a pattern as to what the native Hawaiian deserves the most. It is first, a land base and the sustaining support to operate it. The existance of successfull native Hawaiian land bases to serve native Hawaiians strongly support this view. It appears that a denial of a land base has caused the many deficiencies that they suffer at present. It is obvious that native Hawaiians developed their behavior around a land base and its lack or denial is directly related to their present quandry.

Where is this land base? It is in the ceded lands. In this designation there is not expected to be any dislocation and what land tenure is established should remain with those who have made purchases or investments in good faith.

What kind of a land base should it be? It should be first, an unencumbered land base in every respect. The final status or parameters should be determined in future negotiations.

What native Hawaiians propose is not so much a replay of ancient history or profits made from arduous labor at low wages but something better. It was this condition of low wages and hard labor that created or caused the formation of a union, the International Longshorement and Warehousemen Union (ILWU). The union was powerful perhaps because it members lived and appreciated the hardships. The Union would make Hawaii industry notice it by its strikes beginning in 1946. Not only would industry notice but so would the community. In fact, the community often suffered as much as the primary target of strikes, the industry, as shipping life lines would be tied up effectively.

What native Hawaiians propose is a moving ahead in an undertaking that may not be possible otherwise. The effort proposes to extend community purchasing power and to provide services not presently available. This could be an important move for all of the residents or visitors to Hawaii. This is particularly true since tourism is the important revenue generator for Hawaii. A new source of revenue would be realized.

In the process there is not expected to be a redistribution of resources as happened in the overthrow when native Hawaiians were deprived or released from their jobs. It is likely that any other proposal than this one suggested would be based on rearranging present revenues. Present revenues of the State are generally fixed. That is, anything gained by native Hawaiians from the general treasury will come from a source already pledged to a purpose. This is not such a proposal but rather new income. What is required is the opportunity to perfect such an undertaking. It is envisioned that more new jobs and industry are to be realized under such a proposed entity for wide community benefit. This proposal is dependent on the special status of native Hawaiians. See App. VI.

EXHIBITS AND ADDITIONAL INFORMATION ON EXHIBITS

From an examination of some of the several pieces of correspondence between U. S. Minister Stevens, the Navy and State Departments some conclusions may be drawn as follows:

It was on November 8, 1892 approximately two months before the overthrow of January 1893, Secretary of State Foster advised Minister Stevens in Hawaii he should resort to "confidential" reporting in case of a Congressional review later. Such advise was forwarded by confidential means itself. Reports were no longer to be by regular channels and the use of the Navy cipher was directed in case of calls for review later. (Such advise, No. 62, attached as Exhibit A)

Several communications exist between Washington, San Francisco and Hawaii outlining the involvement of several individuals and agencies in a flurry of activity during the last months of 1892 and before the overthrow of January 1893.

On August 10, 1892 a Western Union telegram to the Secretary of the Navy advised that the USS BOSTON was to leave Santa Cruz to carry out the Department's instructions. (Attached as Exhibit E)

On August 16, 1892 a Western Union telegram to the Secretary of the Navy advised that additional instructions for the Boston were to be forwarded by mail steamer departing the same date August 16. (Attached as Exhibit B) These instructions under separate cover were expected to arrive by steamer before the Boston would arrive in Hawaii.

On August 17, 1892 U. S. Navy Admiral George Brown was advised by the U. S. Secretary of the Navy on the political affairs in Hawaii and a copy of such advise was also forwarded to the Department of State on August 30, 1892 by direction of the Secretary of the Navy. (Attached as Exhibit C)

It was September 29, 1892 that Secretary of State Foster by confidential channels advised minister Stevens, he would communicate by confidential means to the Secretary of the Navy the information on the deadlock existing in the Hawaiian government between the Queen and the legislature.

In the record of correspondence there is a Navy cipher message directing the warship USS BOSTON to go to Honolulu to aid in the annexation of Hawaii. This message was delivered just prior to the overthrow of 1893. The USS BOSTON had been offshore between the islands engaged in gunnery practice. It could be only coincidence but there can be little doubt that this would be intimidating, just as Admiral Brown had described earlier in 1887 that the presence of his warship was intimidating to the Hawaiians who sought to amend the constitution. Importantly, the BOSTON had on board Minister Stevens' daughter carrying a petition for circulation to support annexation. In this instance, it would seem the petition was backed by the guns of a warship.

Troops were landed from the BOSTON apparently in compliance with earlier orders received by the Navy cipher message. The troops had not received the usual permission to come ashore and the Governor protested their presence in vain. The troops did not assume the usual positions but took an entirely different position from protecting life and property on Nuuanu Avenue. But the BOSTON lay near to Nuuanu Avenue and her guns covered the police station where the Hawaiian troops were in a threatening situation. Under these circumstances, the options open to native Hawaiians seemed limited indeed. The guns of the BOSTON could not be easily neutralized but could wreck considerable damage to the city in case of bombardment. These conditions were not lost on the Queen when she yielded to the apparent power in the confrontation and not the Committee of Safety which was only a government of little substance.

On April 18, 1893, Admiral Joseph Skerrett who testified U. S. troops were landed for questionable purposes was to write to Minister Stevens to advise him that their own views were governed as servants of their own government by them alone. A condition that sometimes Stevens would ignore. (Attached as Exhibit D)

It has been frequently argued that Minister John Stevens, accredited to the government of Hawaii acted without authority. Therefore, any claims for reparations or restitution cannot be recognized.

On the other hand Lorrin Thurston in early 1892 visited Washington to assess the attitude of the U. S. towards annexing Hawaii. He interviewed Mr. James Blount, Chairman of the Democratic House of Representatives on the subject. Blount responded that the question, if it arose, would be treated as a national one and not a partisan issue. Further Thurston was advised to see Secretary of State Blaine.

Thurston had a letter of introduction from Minister Stevens to Secretary Blaine and proceeded to provide the Secretary with the details to intervene in the Hawaiian government. Blaine inquired if Thurston had spoken to anyone else in Washington on the subject and he answered, yes, to Mr. Blount. Secretary Blaine considered the subject of utmost importance and suggested Thurston call on Secretary of the Navy Tracy to inform him and also request that he arrange to have Thurston to see the President. But do not see Mr. Blount again.

Secretary Tracy spoke to the President and explained to Thurston that the President did not think he should see him (Thurston). Although, the President did authorize Tracy to say, "if conditions in Hawaii compel you people to act as you have indicated, and you come to Washington with annexation proposal, you will find an exceedingly sympathetic administration here." An answer which was all that Thurston wanted to hear.

The question is why leave Congressman Blount out of the discussion and the President in effect implying tactic approval of intervention in affairs of the Hawaiian government. A philosophy which would serve to influence branches and men in government under the President to act favorably in situations encouraging annexation.

Thurston, a citizen born in Hawaii was proposing to the administration and President a serious move to intervene in the Hawaiian government. Although, he was to temper his proposal with the words, "we have no intention of precipitating action in Honolulu." Such action had already been expressed in 1887 by S. B. Dole and others who claimed they had the forces and arms to seize control of the kingdom.

Much of these factors, such as the President's tactic approval filtered through to Stevens and others as the sentiments of the administration and caused them to act accordingly. Certainly there was no refutation of these implications and even caused the President to confirm these findings when he quickly conveyed the treaty of annexation to the Congress shortly after the overthrow. If it does exist, a written authorization has not been found, but an indirect approval from the President does exist.

At issue is, Stevens assisted the Provisional Governments establishment and its right to exist, recognized and guaranteed by outside aid. In this case, whether the blame lay with the U. S. or not, (Stevens was its agent).

In the crisis, the Queen understood that if she resisted the Provisional Government forces she could be resisting the U. S. She realized that because Minister Stevens had already recognized the insurgents, and it had been his policy to uphold the Government he immediately recognized her only hope lay with an appeal to Washington. The Queen surrendered (she did not abdicate) only if allowed to lay her case before the President of the U. S. The Queen's lawyer, Paul Newmann, laid her capitulation (surrender) to the U. S. forces and it is admitted that it was a mistake for the Provisional Government head, S. B. Dole to endorse the Queen's capitulation.

EXHIBIT "A"

NAVY DEPARTMENT,
Washingto September 10, 1891.

SIR: I have [illegible] onor to acknowledge, with thanks, the [illegible] eipt of your letter of the 9th instant, inclosing copy of a dispatch from the United States minister to Hawaii, presenting the necessity of an American man-of-war at Honolulu, and to inform you that the U. S. S. *Pensacola* was directed by telegram on the 7th instant to proceed to Honolulu and to remain there until further instructed.

Very respectfully, your obedient servant,

B. F. TRACY,
Secretary of the Navy.

Mr. Wharton to Mr. Stevens.

No. 50.]

DEPARTMENT OF STATE,
Washington, June 7, 1892.

SIR: I have received your No. 56 of 21st ultimo, relative to the arrest of several prominent persons at Honolulu on a charge of treason, and have advised the Secretary of the Navy of your suggestions as to the presence of a war vessel of this Government at that port.

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Foster to Mr. Stevens.

No. 57.]

DEPARTMENT OF STATE,
Washington, September 29, 1892.

SIR: I have received your No. 65 (confidential) of the 14th instant, describing the deadlock existing between the Hawaiian legislature and the Queen over the constitution of a ministry, and have inclosed a copy to the Secretary of the Navy for his confidential information.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Stevens.

[Confidential.]

No. 62.]

DEPARTMENT OF STATE,
Washington, November 8, 1892.

SIR: Adverting to your current dispatches in relation to the course of political events in the Hawaiian Islands, many of which are marked by you "confidential," and for obvious reasons, I desire to suggest that you endeavor to separate your reports into two classes, one of which shall aim to give the narrative of public affairs in their open historical aspect, and the other to be of a strictly reserved and confidential character, reporting and commenting upon matters of personal intrigue and the like so far as you may deem necessary for my full understanding of the situation. Many of your dispatches combine these two modes of treatment to such a degree as to make their publication, in the event of a call from Congress or other occasion therefor, inexpedient, and, indeed, impracticable, without extended omissions.

I am, etc.,

JOHN W. FOSTER.

DEPARTMENT OF STATE,
Washington, January 28, 189

Your dispatch, telegraphed from San Francisco, announcing revolution and establishment of a Provisional Government, was received to-day. Your course in recognizing an unopposed *de facto* government appears to have been discreet and in accordance with the facts. The rule of this Government has uniformly been to recognize and enter into relation with any actual government in full possession of effective power with the assent of the people. You will continue to recognize the new Government under such conditions. It is trusted that the change, besides conducing to the tranquility and welfare of the Hawaiian Islands, will tend to draw closer the intimate ties of amity and common interests which so conspicuously and necessarily link them to the United States. You will keep in constant communication with the commander of the United States naval force at Honolulu, with a view to acting, if need be, for the protection of the interests and property of American citizens and aiding in the preservation of good order under the changed condition reported.

JOHN W. FOSTER.

Mr. Foster to Mr. Stevens.

No. 71.]

DEPARTMENT OF STATE,
Washington, February 11, 1893.

SIR: Your cipher telegram, dated the 1st instant, and transmitted through the Navy Department's good offices, was received here at 4:30 p. m. on the 9th instant.

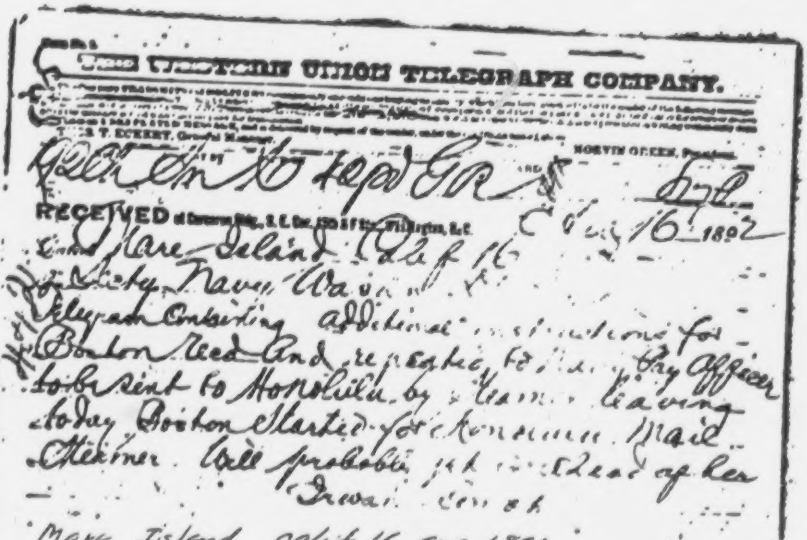
You therein make the following important statement:

> To-day, at 9 a.m., in accordance with the request of the Provisional Government of Hawaii, I have placed Government of Hawaii under the United States protection during negotiations, not interfering with the execution of public affairs.

The precise character and scope of the act thus announced by you do not appear from this brief recital. The press, however, prints full details of the occurrences of the 1st instant, as telegraphed from San Francisco on the arrival of the mail steamer *Australia* at that port on the morning of the 9th, and I therein find what purports, with appearance of general correctness, to be the text of a proclamation issued by you on the 1st instant, which reads as follows:

> By authority, to the Hawaiian people:
>
> At the request of the Provisional Government of the Hawaiian Islands, I hereby, in the name of the United States of America, assume protection of the Hawaiian Islands for the protection of life and property, and occupation of the public buildings and Hawaiian soil, so far as may be necessary for the purpose specified, but not interfering with the administration of public affairs by the Provisional Government. This action is taken pending and subject to negotiations at Washington.
>
> JOHN L. STEVENS,
> *Envoy Extraordinary and Minister Plenipotentiary of the United States.*
>
> UNITED STATES LEGATION, *February 1, 1893.*
>
> Approved and executed by C. C. Wiltse, captain U. S. N., commanding U. S. S. *Boston.*

EXHIBIT "B"



THE WESTERN UNION TELEGRAPH COMPANY.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

RECEIVED

92 Ch Gn 80 Fepd GR

Aug 16 1892

Mare Island Calif 16

Secty Navy Wash

Telegram Containing additional instructions for Boston Recd and repeated to Navy Pay Officer to be sent to Honolulu by steamer leaving today Boston Started for Honolulu Mail Steamer Will probably get in ahead of her

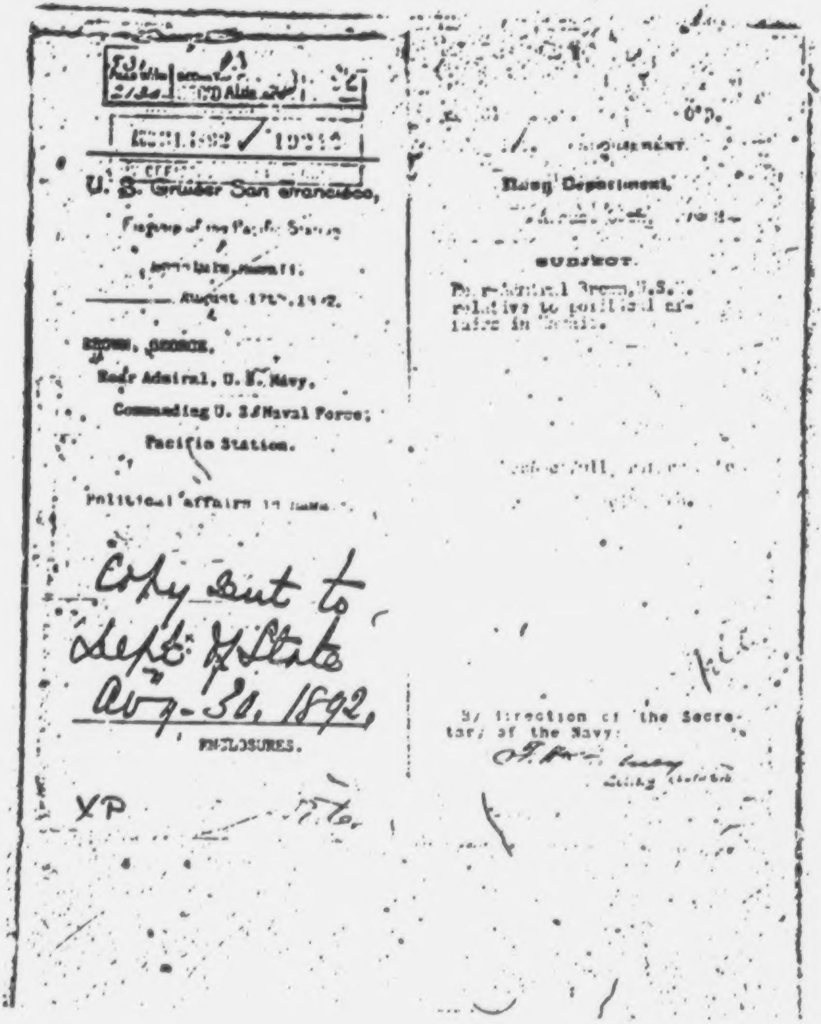
Irwan

Mare Island calif 16 aug 1892
To secty Navy. Washington DC.

Telegram containing additional instruction for Boston read and repeated to Navy pay officer to be sent to Honolulu by steamer leaving today. Boston started for Honolulu Mail Steamer will probably get in ahead of her

Irwan

EXHIBIT "C"



U. S. Cruiser San Francisco,

Flagship of the Pacific Station

Honolulu, Hawaii.

August 17th, 1892.

BROWN, GEORGE,

Rear Admiral, U. S. Navy,

Commanding U. S. Naval Force,

Pacific Station.

Political affairs in Hawaii.

Copy sent to
Dept. of State
Aug. 30, 1892.

ENCLOSURES.

XP

Navy Department,

SUBJECT.

Rear-Admiral Brown, U.S.N., relative to political affairs in Hawaii.

By direction of the Secretary of the Navy:

EXHIBIT "D"

U. S. S. [illegible]
Flagship of the U[illegible]
Honolulu, Hawaiian Is[illegible]s
April 18th, 1893.

[illegible]o John L. Stevens
[illegible]traordinary and Minister Plenipotentiary

2.

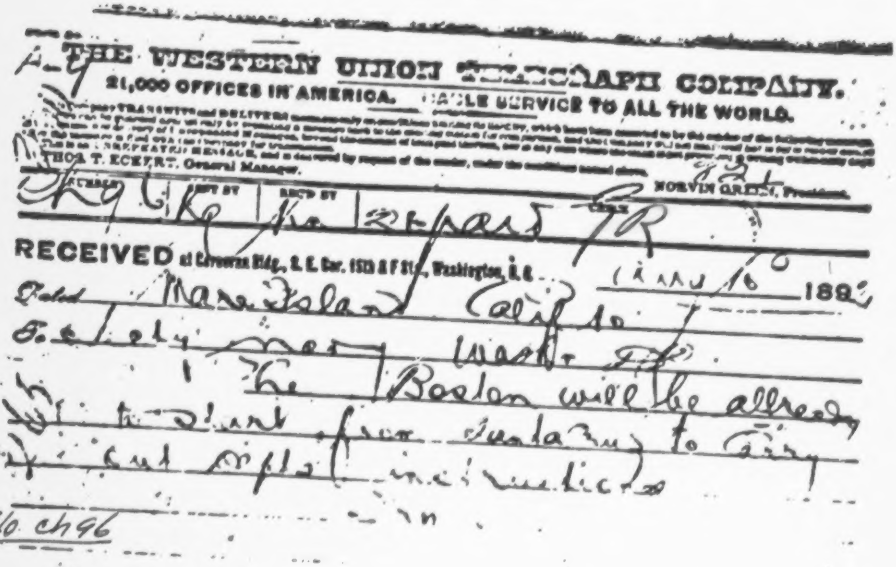
forty five years. I respect your years and have had cause to esteem you as a man who has so meritoriously served our Country, also because you have shown yourself so patriotic throughout these Hawaiian troubles. But it must be conceded by all men that we are both servants of our Government's rulers, and are required to be governed by their own views of matters resting alone with them, for final decision.

I was more than glad to be allowed to send the guard back to the Legation sincerely hoping and trusting that your apprehensions may be fully quieted, and that you will in no manner be disturbed in the quiet of your home. With sincere regard, esteem and best wishes. I am as ever,

Respectfully.

J. S. Skerrett
Rear Admiral U.S.N.

EXHIBIT "E"



THE WESTERN UNION TELEGRAPH COMPANY.

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

RECEIVED at Corcoran Bldg., S. E. Cor. 15th & F St., Washington, D.C. Aug 10 1892

Dated Mare Island Calif 10

To Secty Navy Wash D.C.

The Boston will be allready to start from Santa Cruz to carry out Depts instructions

No. ch96

10 aug 1892

Dated Mare Island calif 10

To Secretary of Navy wash. D.C.

The Boston will be all ready to start from Santa Cruz to carry out Depts instructions.

EXHIBIT "G"

[illegible]

following communication from you under date of yesterday.

Mr. Jas. W. Robertson, Esq.

Dear Sir:-- Since your visit to me this afternoon I have made careful inquiries concerning Mr. Ben Gallagher and I am happy to state that he is not employed by this department in any capacity whatever. To the best of my knowledge he is at present employed as a driver for Mr. Jas. Campbell and is considered by us to be a royalist.

Yours respectfully,

/signed/ E. G. Hitchcock,

EXHIBIT "G"

Marshal Hawn. Islands.

EXHIBIT "G"-I

I think, Sir, that you have misunderstood the object of my visit. I did not call at your office to inquire if that man / I see by your letter his name is Ben Gallagher / was in your employ, or whether he was an Annexationist, Royalist, or of any other political faction, that is immaterial to me.

I called at your office to report - as I deemed it my duty to do so - to you as head of the Police Department, an occurrence that happened during the previous night.

You may recollect that I asked,you whether you had any policemen or spies stationed near Washington Place. And in reply,you informed me that four policemen were stationed there day and night,to note who went in and out of the Place and to make report to you,and that they were also there as a protection to Her Majesty. That there were detectives in your employ, but no spies.

That, I mentioned to you, that Mr.Tim Murray of the American League was seen at about nine o'clock Thursday evening speaking to some men

Date
Place
Authority code

the police of Honolulu refused and neglected to arrest said Ferreira upon petitioner's complaint was and is that petitioner is well known as an opponent of the scheme of annexing these Islands to the United States, and as an opponent of the Provisional Government, the manner of its birth and the methods of its so-called government: while said Ferreira is a noisy adherent and police officer of said Government, and has done and is doing much work in the direction of obtaining and retaining adherents for said Provisional Government, among the illiterate and ignorant element of which he is himself a type.

And your petitioner shows that, upon the trial of said Ferreira upon the charge of assault and battery, in the District Court of Honolulu, on the 6th of the current month, there was ample evidence to substantiate said charge, and also to substantiate the allegations hereinabove contained, upon which, petitioner sought to have his assailant placed under bonds; and although the court found Ferreira guilty of an assault and battery, yet it imposed only the nominal fine of Five Dollars, and declined to place him under bonds to keep the peace toward this petitioner.

And so your petitioner says that he is in fear of violence

And your petitioner shows that, by Hawaiian Statute, when complaint is made, if the Magistrate shall issue his warrant for the apprehension of the party complained of, (which was done in this case, on the 23rd of December,) the party shall be brought before the court, xxx xxxxx to show cause why he should not be placed under bonds to keep the peace toward the complainant, and shall be so placed under bonds, (or committed to prison in default of giving bonds,) unless he shall show that the complaining party has mistaken the purpose and intention of the supposed offender.

But your petitioner shows that the police of Honolulu utterly refused and neglected to serve said last mentioned warrant, or to arrest said Ferreira upon said last named complaint, for the space of two weeks, and until the 6th day of the current month, and that during said two weeks, as ever since then, this petitioner was kept in constant fear and terror of the violence of said Ferreira, who was entirely unrestrained in the premises, owing to the failure of the police to executee the warrant of the District Magistrate referred to.

And your petitioner shows that he has incurred the hostility of the Provisional Government and its officers in connection with his refusal to submit to an attempted dictation some months ago, which had for its aim the forcing of all xxxxxx residents of these Islands into the membership of an organization known as the ANNEXATION CLUB, and in which many of the prominent officials of the Provisional Government were and are concerned and actively aiding, and your petitioner believes, and so charges that the reason why [illegible] government: whilst said Ferreira is a noisy adherent and police officer of said Government, and has done and is doing much work in the direction of obtaining and retaining adherents for said Provisional Government, among the illiterate and ignorant element of which he is himself a type.

And your petitioner shows that, upon the trial of said Ferreira upon the charge of assault and battery, in the District Court of Honolulu, on the 6th of the current month, there was ample evidence to sustantiate said charge, and also to substantiate the allegations hereinatove contained, upon which petitioner sought to have his assailant placed under bonds: and although the court found Ferreira guilty of an assault and battery, yet it imposed only the nominal fine of Five Dollars, -and declined to place him under bonds to keep the peace toward this petitioner.

And so your petitioner says that he is in fear of violence from said Ferreira, for the reasons mentioned: that the officers of the Provisional Government refused to execute the warrant of the court by which it was sought to subject Ferreira to the law in the premises: that upon his being at last brought up for trial, [illegible] and upon ample proof of his offense, the court imposed a [illegible] lly small fine, and, in the face of the evidence, left him [illegible] his savage will upon your petitioner. And that the [illegible] forbids the carrying of firearms, and excludes [illegible] tion as he might obtain against the

Date 11 Sep 1978
Piece N.L. Archives
Authenticity code TF2C

apprehended violence of said Ferreira or others, by the carrying of a revolver: and that it is matter of common knowledge that adherents of the Provisional Government are allowed without question to carry such weapons, and do carry them, to the terror of others in the community, while a similar course on the part of non-adherents would be visited with the rigors of the law. And that the administration of the police of Honolulu is notoriously partial to the advocates of Annexation, and biased against the opponents of that scheme, and that the Courts, and especially the District Court of Honolulu, are notoriously and transparently biased in the same direction: and that there is at present no adequate protection afforded by the Provisional Government for those who are known to oppose its schemes and purposes of government.

Wherefore your petitioner prays that your Excellency, in view of the peculiar circumstances of the case here set forth, will consider, and apprize your petitioner, whether there be any way in which your Excellency, as the representative of petitioner's home Government, can assist petitioner to a fuller enjoyment of his rights under the Treaties now existing between the United States and Hawaii, and under the laws of the Hawaiian Islands.

I have the honor to be
your obedient servant.
Samuel Ehrlich.

EXHIBIT G-II

KUKALA A KA HUI HAWAII ALOHA AINA
E MALAMA I KA MALUHIA

Ua kauoha ia mai au e ka Aha Hooko o ka Hui Hawaii Aloha Aina Kuwaena o Honolulu, e hoonaauao aku i na Luna a me na lala a pau o na Ahahui Aloha Aina a puni ka Paeaina, Oiai, ua hoomaopopo ia, o ka Poakolu la 4 o Iulai, M. H. 1894, ma ia la e kukala mai ai ke Aupuni Kuikawa i ko Kumukana wai hou, a me ke Aupuni Kuikawa i ke Kumukana wai hou, a me ke Aupuni Repubalika Hawaii, a ia manawa no, a i ole mamua ao paha o ia manawa, e Kukala pu ia mai ai paha ke Kanawai Koa. Nolaila, ke ao ia aku nei na Ahahui Aloha Aina a puni ka Paeaina, e noho oukou me ka malama loa i ka maluhia ma na ano a pau, a mai hana i kekahi mea e lilo ai i mea e hooulu is ai na hoohaunaele ana mai a ke poe kui mai, aole hoi ka hoao ana i mea e kue ia ai ka mana o ke Kanawai Koa. He mea pono e heluhelu i na hoolaha e pili ana i na mea e kukala ia mai ana e ke Aupuni, a e hoomaopopo hoi i na mea i papa ia mai.

O na kono a me na hooweliweli ia ana mai ia oukou, i mea no oukou e ae aku ai e kakau i ko oukou mau inoa a e haawi aku ai i ko oukou kino a me ko oukou kokua ana ma ka aoao o ka poe e kue mai ia kakou, aole e ae wale aku ia mau hana; no ka mea, aole o ko oukou hoole ana, he mea ia e hiki ai ke hoopilikia wale ia mai, ma ko ano o ke Kanawai Koa.

O ke kupaa me ka malama i ka maluhia, oia ko kakou lanakila.

J. Nawahi
Peresidena Hui Aloha Aina

J. K. KAULIA, Kakauolelo Hui Aloha Aina.
Honolulu, Iulai 2, 1894.

I have been directed by the Executive Council of the Hawaii Patriotic League of Central Honolulu to enlighten all of the directors and members of the Patriots' Society throughout the islands: while it is know that on the day of the 4th of July, 1894 the Provisional Government will proclaim their new constitution and the new constitutional Republic and the Hawaiian Republic Government, and at that time, indeed, or perhaps just before that time, martial law will probably be declared. Therefore, all of the Patriot Societies throughout the land are being informed that you should all maintain peace in all matters; do not perform any act that could be construed to cause a disturbance by the people in opposition. Indeed, do not attempt anything that would oppose the power of martial law. It is fitting to read the announcements about the declarations made by the government and to understand the things set forth.

The requests and the intimidations that may come to you as a means for you to agree to write/sign your names and to give yourselves and your assistants to the side of the people opposing us - do not agree to those actions because your denial is not something by which you can be harrassed/charged according to martial law.

A firm stance and maintaining the peace - that is our victory.

J. NAWAHI
Hawaii Patriotic League

EXHIBIT "I"

On December 21, 1893, Representative McCreary, chairman of the Committee on Foreign Affairs of the House of Representatives, reported from that committee the following resolution, which was placed on the Calendar:

Whereas it has been the settled policy of the United States to concede to the people of foreign countries the same freedom and independence in the management of their domestic affairs that we have claimed for ourselves; and

Whereas it appears from Executive communications sent to the House of Representatives that the United States minister and the United States naval forces at Honolulu [illegible] in January, 1893, and illegally aided in overthrowing the constitutional Government of Hawaii and setting up in its place a provisional government not republican in form, and in opposition to the will of a majority of the people of Hawaii: Therefore

Resolved, That it is the sense of this House that such intervention by the Government of the United States, its representatives, and armed forces was contrary to the policy and traditions of our Republic and the spirit of our Constitution and should be and is emphatically condemned.

On February 7, 1894, the House of Representatives passed the following resolution by the following vote: Yeas, 173; nays, 4; not voting, 174.

Resolved, First. That it is the sense of this House that the [illegible] States [illegible] United States naval forces and in over-throwing the constitutional Government of the Hawaiian Islands in January, 1893, and in setting up in its place a provincial government, not Republican in form and in opposition to the will of a majority of the people, was contrary to the traditions of our Republic and the spirit of our Constitution, and should be and is condemned.

Second. That we heartily approve the principle announced by the President of the United States that interference with the domestic affairs of an independent nation is contrary to the spirit of American institutions. And it is further the sense of this House that the annexation of the Hawaiian Islands to our country or the assumption of a protectorate over them by our Government is uncalled for and inexpedient, that the people of that country should have had absolute freedom and independence in pursuing their own line of policy, and that foreign intervention in the political affairs of the islands will not be regarded with indifference by the Government of the United States.

The following is the full vote on the passage of the above resolution (see Congressional Record, pp. 2001–2002, first session Fifty-first Congress):

Yeas, 173: Abbott, Alderson, Alexander, Allen, Arnold, Bailey, Baldwin, Bankhead, Barwig, Bell of Texas, Beltzhoover, Black of Georgia, Black of Illinois, Blanchard, Bland, Boatner, Bower of North Carolina, Branch, Brawley, Breckinridge of Arkansas, Breckinridge of Kentucky, Bretz, Brickner, Brookshire, Brown, Bryan, Bynum, Cabaniss, Cadmus, Campbell, Connon of California, Caruth, Catchings, Causey, Clark of Missouri, Clarke of Alabama, Cobb of Alabama, Cobb of Missouri, Cockran, Cockrell, Compton, Conn, Coombs, Cooper of Florida, Cooper of Indiana, Cooper of Texas, Cornish, Covert, Cox, Crain, Crawford, Culberson, De Armond, De Forest, Denson, Dockery, Donovan, Dunn, Durborow, Edmunds, English, Enloe, Epes, Erdman, Everett, Fithian, Forman, Fyan, Geissenhainer, Goldzier, Goodnight, Gorman, Grady, Gresham, Griffin, Haines, Hall of Minnesota, Hall of Missouri, Hammond, Hare, Hatch, Hayes, Heard, Henderson of North Carolina, Holman, Hooker of Mississippi, Houk of Ohio, Hunter, Kribbs, Kyle, Lane, Latham, Latimer, Lawson, Leyton, Lester, Lisle, Livingston, Lockwood, Lynch, Maddox, Maguire, Mallory, Marshall, Martin of Indiana, McAleer, McCreary of Kentucky, McCulloch, McDannold, McDearmon, McEttrick, McGann, McKaig, McLaurin, McMillin, McNagny, McRea, Meredith, Money, Montgomery, Moses, Mutchler, Neill, Oates, O'Neil, Outhwaite, Paschal, Patterson, Paynter, Pearson, Pendleton of Texas, Pendleton of West Virginia, Pigott, Price, Rayner, Reilly, Richards of Ohio, Richardson of Michigan, Richardson of Tennessee, Ritchie, Robbins, Robertson of Louisiana, Rusk, Russell of Georgia, Ryan, Sayers, Shell, Sibley, Snodgrass, Springer, Stallings, Stevens, Stockdale, Stone of Kentucky, Talbert of South Carolina, Talbott of Maryland, Tarsney, Tate, Taylor of Indiana, Terry, Tracey, Tucker, Turner, Turpin, Warner, Washington, Wells, Wheeler of Alabama, Williams of Illinois, Williams of Mississippi, Wilson of West Virginia, Wise, Wolverton.

Nays, 4: Adams of Kentucky, Adams of Pennsylvania, Cummings, Daniels.

Not voting, 174: Aitken, Aldrich, Apsley, Avery, Babcock, Baker of Kansas, Baker of New Hampshire, Barnes, Bartholdt, Bartlett, Belden, Bell of Colorado, Berry, Bingham, Blair, Boen, Boutelle, Bowers of California, Brattan, Broderick, Brosius, Brady, Bunn, Burnes, Burrows, Caldwell, Caminetti, Cannon of Illinois, Capehart, Chickering, Childs, Clancy, Coffeen, Cogswell, Cooper of Wisconsin, Cousins, Curtis of Kansas, Curtis of New York, Dalzell, Davey, Davis, Dingley, Dinsmore, Dolliver, Doolittle, Draper, Dunphy, Ellis of Kentucky, Ellis of Oregon, Fielder, Fletcher, Funk, Funston, Gardner, Gear, Geary, Gillet of New York, Gillett of Massachusetts, Graham, Grosvenor, Grout, Hager, Hainer, Harmer, Harris, Harter, Hartman, Haugen, Heiner, Henderson of Illinois, Henderson of Iowa, Hendrix, Hepburn, Hermann, Hicks, Hilborn, Hines, Hitt, Hooker of New York, Hopkins of Illinois, Hopkins of Pennsylvania, Houk of Tennessee, Hudson, Hulick, Hull, Hutcheson, Ikirt, Johnson of Indiana, Johnson of North Dakota, Johnson of Ohio, Jones, Joy, Kem, Kiefer, Kilgore, Lacey, Lefever, Linton, Loud, Loudenslager, Lucas, Magner, Mahon, Marsh, Marvin of New York, McCall, McCleary of Minnesota, McDowell, McKeighan, Meiklejohn, Mercer, Meyer, Milliken, Moon, Morgan, Morse, Murray, Newlands, Northway, [illegible], Page, Payne, Pence, Perkins, Phillips, Pickler, Post, Powers, Randall, Ray, Reed, Reyburn, Robinson of Pennsylvania, Russell of Connecticut, Schermerhorn, Scranton, Settle, Shaw, Sherman, Sickles, Simpson, Sipe, Smith, Somers, Sperry, Stephenson, Stone, C. W., Stone, W. A., Storer, Strait, Strong, Swanson, Sweet, Tawney, Taylor of Tennessee, Thomas, Tyler, Updegraff, Van Voorhis of New York, Van Voorhis of Ohio, Wadsworth, Walker, Wanger, Waugh, Weadock, Weaver, Wheeler of Illinois, White, Whiting, Wilson of Ohio, Wilson of Washington, Woodard, Woomer, Wright of Massachusetts, Wright of Pennsylvania.

5

EXHIBIT "J"

EXECUTIVE ORDER, NO. 2.

By the President of the United States of America.

The President of the United States hereby directs that all proceedings taken or pending for the sale or disposition of the public lands in the Hawaiian Islands shall be discontinued; and that if any sales or agreements for sale of said public lands have been made since the adoption of the Resolution of Annexation, the purchasers shall be notified that the same are null and void, and any consideration paid to the local authorities on account thereof shall be refunded.

(Seal) In witness whereof, I have caused the seal of the United States to be hereunto affixed.
Washington, September 11, 1899.

WILLIAM McKINLEY.

By the President:

ALVEY A. ADEE,
Acting Secretary of State.

EXECUTIVE ORDER, NO. 3.

By the President of the United States.

In the exercise of the power conferred upon him by the Joint Resolution of Congress, approved by the President on July 7, 1898, entitled "Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States," the President of the United States hereby directs that the issue of registers to vessels by the authorities of Hawaii, entitling such vessels to all the rights and privileges of Hawaiian vessels in the ports of nations or upon the high seas, shall hereafter cease.

(Seal) In witness whereof, I have caused the seal of the United States to be hereunto affixed.
Washington, September 18, 1899.

WILLIAM McKINLEY.

By the President:

ALVEY A. ADEE,
Acting Secretary of State.

EXHIBIT "L"

United States Department of the Interior
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

[illegible]
IN REPLY REFER TO: [illegible]

Mr. Gail K. Prejean
Messrs. Louis K. and John M. Agard
Sovereignty Committee
Council of Hawaiian Organizations
98-1364 Akaaka Street
Aiea, Hawaii 96701

MAR 20 1978

Gentlemen:

This responds to your letter of last summer to Secretary Andrus, asking for reconsideration of the position taken by the former Solicitor in his December 27, 1976, letter to you. The matter has been referred to me for reply.

First, let me apologize for the delay in answering your letter. This can be explained by the fact that at the time it was received, there had been no clear delegation of authority over Hawaiian Native matters within the Department. The Bureau of Indian Affairs has never exercised any jurisdiction in Hawaii, and the Office of Territories has had no authority over Hawaiian matters since statehood. Frankly, the Interior Department is largely unfamiliar with the subject of Hawaiian Native claims.

The question of how to respond to your concerns paralleled this Department's consideration of S.J. Res. 4, "Establishing the Aboriginal Hawaiian Claims Settlement Study Commission." Since we have little familiarity with such claims, the idea of an independent study commission sounded preferable. In addition, this Department has already advocated negotiated settlements of meritorious Indian land claims, and the proposed commission would be directed to make recommendations on the final settlement of Hawaiian Native claims. Therefore, we have endorsed the concept of S.J. Res. 4.

We are following the progress of that bill, since whatever action Congress takes on it will affect this Department's future role in the disposition of Native claims. Accordingly, we are not prepared at this time to investigate these claims in much depth, nor to reconsider the former Solicitor's view of them.

Sincerely,

LEO M. KRULITZ

SOLICITOR

EXHIBIT "M"

Honolulu. H. I. Dec. 26. 1893.

Hon. J. O. Carter

Sir:

Will you inform Her Majesty, the Queen, that on the 20, inst: in obedience to my instructions, I notified the President and Ministers of the Provisional Government; that the President of the United States, had reached the decision, that she had been illegally deprived of her authority as the constitutional sovereign of the Hawaiian Islands, and that they were expected to promptly relinquish to the Queen, her constitutional authority.

On the 24, inst: I received

in

(1) conduct a study of the culture, needs, and concerns of the Hawaiian Natives; the nature of the wrong committed against, and the extent of the injuries to, the Hawaiian Natives by reason of the actions set forth in the preamble of this resolution; and various means to remedy such wrong, and

(2) submit a report of its findings to the Congress.

(b)(1) The report required by this section shall provide recommendations for a remedy. Such recommendations shall include—

(A) the distribution, expenditure, investment, or other use of funds to be appropriated in equal increments over a period of years as a component of any such remedy: Provided, That emphasis shall be placed not on direct grants but on investment of funds by an Hawaiian Native organization or organizations and issuance of shares to Hawaiian Natives as stockholders therein, loans or guarantees of loans to or for Hawaiian Natives, or other innovative uses of the funds which will insure such monies are employed successively for the benefit of Hawaiian Natives;

(B) the provision of land as a component of any such remedy through any method, including the surplusing of Federal land and amendments to the Hawaiian Homes Commission Act of 1920 (42 Stat. 109), except purchase or condemnation of lands by the Federal Government: Provided, That, should the surplusing of Federal lands be recommended as a component of any such remedy, the Commission shall propose a method or methods for resolving, whenever a tract of such land is offered, whether such tract shall be conveyed to the State under applicable law or the Hawaiian Natives under a subsequent Act to provide for such remedy;

(C) such other recommendations concerning the components set forth in clauses (A) and (B) of this paragraph (1) as the Commission deems appropriate;

(D) the preservation and enhancement of Hawaiian Native culture and the education of Hawaiian Natives as principal purposes of any such remedy;

(E) the blood quantum requirements for eligibility to receive the benefits of any remedy and, of the Commission deems appropriate, to receive specific benefits or shares of benefits.

(F) the form or forms of organization best suited to receive, distribute, or administer the benefits of any remedy; and

(G) other matters concerning any such remedy, including but not limited to alienability and tax status of the benefits of any such remedy, provision of technical assistance to Hawaiian Natives on the use of such benefits, and the reporting of the disposition of such benefits to the Federal government and the Hawaiian Natives.

(2) Any such recommendations shall, to the extent possible, be designed to insure that any such remedy:

(A) will be a final settlement which extinguishes all claims of Hawaiian Natives against the United States arising from the actions set forth in the preamble of this resolution;

(B) will be capable of prompt implementation with a minimum of litigation;

(C) will be in conformity with the real economic and social needs of the Hawaiian Natives;

(D) is fashioned and will be implemented with the maximum participation of Hawaiian Natives;

(E) will not create a wardship or trusteeship;

(F) will not replace or diminish any right, privilege, or obligation of the Hawaiian Natives as citizens of the United States or the State of Hawaii, and

(G) will not relieve, replace, or diminish any obligation of the United States or the State of Hawaii to protect and promote the rights and welfare of Hawaiian Natives as citizens of the United States or Hawaii.

SEC. 4. Upon the expiration of the sixty-day period following the submission of the report required by section 3 of this resolution, the Commission shall cease to exist.

SEC. 5. No provision of this resolution shall be construed as:

(1) constituting a jurisdictional act, conferring jurisdiction to sue, or granting implied consent to Hawaiian Natives to sue the United States or any of its officers with respect to claims arising from the actions set forth in the preamble of this resolution, or

(2) constituting a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims of, or other matters with, any Native organization or any tribe, band, or identifiable group of American Indians.

SEC. 6. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this resolution. Until such time as funds are appropriated pursuant to this section, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman.

To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the authorization provided herein.

2. Amend the title so as to read: "Joint Resolution Establishing the Hawaiian Native Claims Settlement Study Commission, and for other purpose."

PURPOSE

In the year 1893, the United States Minister accredited to the independent Kingdom of Hawaii, and naval representative of the United States in Hawaii, acting wholly without the authority or knowledge of the Congress or the President, unlawfully committed and deployed Armed Forces of the United States in support of the overthrow of the lawful government of Hawaii. This joint resolution (S.J. Res. 155) acknowledges this wrongdoing on the part of representatives of the Government of the United States and the need to make reparation to the native Hawaiian people. The purposes of this joint resolution (S.J. Res. 155) are to recognize the validity of claims against the United States by native Hawaiian people based on the 1893 incident and to establish a Hawaiian Native Claims Settlement Study Commission to conduct a study of the culture, needs, and concerns of the Hawaiian Natives; the nature of the wrong committed against, and the extent of the injuries to, the Hawaiian Natives by reason of the 1893 incident; and various means to remedy such wrong. The proposed Study Commission would submit a report of its findings to the Congress and recommend remedies to repair the wrong perpetrated against the Hawaiian Native people.

BACKGROUND AND NEED

S.J. Res. 155 represents the first step toward redressing a wrong committed against the Hawaiian Native people some 83 years ago. The injury for which reparation must be made to the Hawaiian Native people was inflicted in 1893 when the United States Minister accredited to the then sovereign and independent Kingdom of Hawaii, and the United States naval representative in Hawaii, without the authority or knowledge of the Congress or the President, participated in the overthrow of the lawful government of Hawaii. The joint resolution addresses a wrong acknowledged and condemned by President Grover Cleveland in a message to the Congress of December 18, 1893, a wrong that notwithstanding appeals on behalf of the Hawaiian Native people has gone unrepaired for almost a century. The honor and sense of justice of the Nation require that the Congress also acknowledge the wrong that was done, recognize the validity of claims for reparations, and devise means for defining an appropriate remedy. S.J. Res. 155 belatedly initiates that process.

The incident forming the basis for the Hawaiian Native claims recognized by this legislation is described in President Grover Cleveland's message to the Congress of December 18, 1893. The historical facts are as follows: The Kingdom of Hawaii had prevailed from the time of Kamehameha the Great in 1795 until the overthrow of Queen Liliuokalani in 1893. At the time of the overthrow the Hawaiian Kingdom had endured for nearly a century and possessed

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EXHIBIT O

As an example of the method of communication between Washington and Hawaii is the following cipher message decoded so as to be understandable. Two things are apparent in the message by its date of transmission, July 11, 1893. First, even at this early instance the administration is already talking about annexation as if programmed. Second, it is apparent that the staff of the legation in Honolulu is not operating arbitrarily as instructions are arriving from Washington. It is suggested that these activities mean the U. S. Minister in Honolulu is not solely responsible for the actions he might take but that there exists an understanding of a goal to be achieved with a minimal of attention. The minister apparently over-reached in public for the goal and had to be reprimanded for his enthusiasm. A third observance is that the Provisional Government was really not the controlling government. In fact, the message outlines establishing a protectorate over Hawaii pending annexation. This seems to confirm the Provisional Government was never de facto as native Hawaiians have generally contended. Participation in these deliberations were the Admirals. The indications here are that third parties rights will be respected. On the other hand, would this mean sacrificing native Hawaiian interests to those of the cited third parties to be protected.

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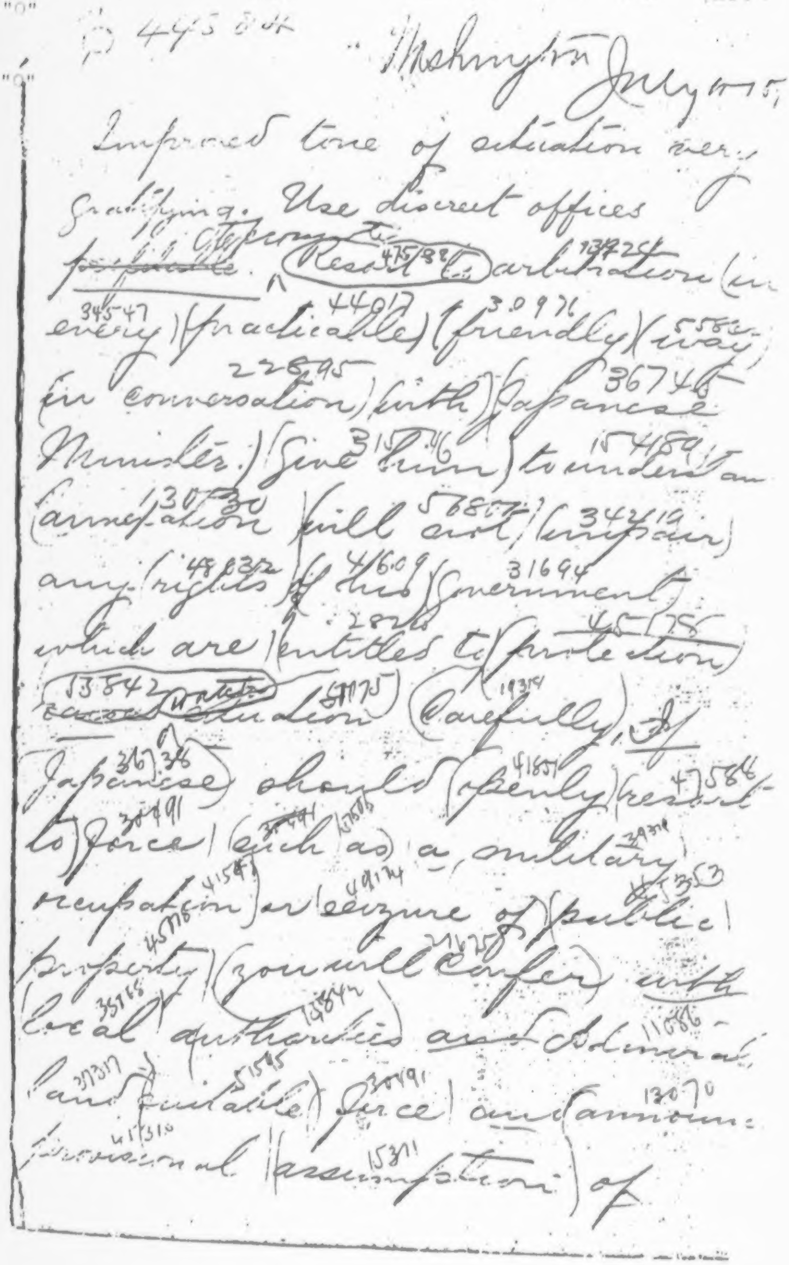
Exhibit "O"

Exhibit "O"



445 84

Washington July 10, 15,

Improved tone of situation very gratifying. Use discreet offices ~~possible~~ as opportunity. Resort to arbitration in every practicable friendly way in conversation with Japanese Minister. Give him to understand annexation will not impair any rights of this government which are entitled to protection. ~~Cause~~ Watch situation carefully. If Japanese should openly resort to force such as a military occupation or seizure of public property you will confer with local authorities and Admiral and suitable force and announce provisional assumption of

45794 protectorate 5942 by ~~5942~~ U.S. 4219 over
33086 Hawaii pending 42902
22449 consummation of
53586 treaty of annexation 24502 declaring
at the same 53068 time that 472
all 12057 rights 48132 established 29436
in favor 24684 of third 15284 ~~54581~~ parties 427
will 16719 be respected 47612 this
contingency 22542 is however 33743
not 18920 expected and you will 15786
exceedingly 28643 cautious to do 19607
nothing 41179 ~~that~~ might 39285 tend
to precipitate ~~it~~ 44100 It is necessary 40544
act 10748 except 28607 in the face 29474 of overt 42256
act 10749 of hostility 33664 by Japan 32721
your ~~active~~ action 10785 should
be conspicuously 22204 friendly
winning

EPILOGUE

Native Hawaiians have welcomed people to Hawaii and are generally concerned about the welfare of newer arrivals. Native Hawaiians are forgiving and we forgive those who transgress against us as a christianized people. It is as he said upon the cross, "Oh Father forgive them, for they know not what they do." Queen Liliuokalani forgave and it was her nature to do so.

We as descendents may do as Liliuokalani and forgive the moral wrongs committed against us. Liliuokalani left her personal estate to the betterment of natives and she well could have left all of the Crown Lands to her people when she resigned her throne as a condition of resigning had there not been coersion and intervention in the overthrow of 1893.

Because native Hawaiians expect to continue to live and let live, aside from the moral wrongs are legal wrongs that are not forgotten. Life goes on and there are not expected to be any painful dislocations involving those who came to Hawaii and acted in good faith.

This panel presentation has pointed out the legal wrongs of assuming title to native Hawaiian lands divided and conveyed in the statute of 1845 and in the Mahele and the Kuleana Act of 1850. There are no other awards made at the time of the division and the descendents today are the heirs holding all the lands in common.

This condition brings up the subject of race and discrimination frequently raised regarding Hawaiians and what appears the special treatment they receive. It is not so much a matter of race and discrimination but rather the decendents of a people who are now many times only a little Hawaiian in blood. The Bill of Rights do not apply to native Hawaiians because the application is not correct. This is because the application only refers to descendents of a people and it just so happens to be the certain blood called Hawaiian because of the land division that gave them an unparalleled interest in their entire homeland.

This unique interest entitles native Hawaiian descendents access to land, income and education from those institutions founded by their predecessors. It follows that questions of constitutionality do not apply in such cases where it is a matter of succession by descendents to an original land interest identified in the Mahele of 1848.

We forgive being deprived and the many unkindnesses bestowed in the last ninety years while trusting that there would be fairness and social caring. Native Hawaiians realize there is little more they can give.

Native Hawaiians seek to manage their own futures and exercise their own perogatives. The great wonder is, why has it taken so long to recognize this. It can be said that Hawaii is a great place. While at the same time it becomes more like other communities in the world. Its virtues are extolled as if for sale and many lay claim to its present imagined state of attractiveness. How vain to believe that Hawaii way anything less than a creation of nature and in any case would have evolved without such claims to something better. For we all know it could be a better place, not just a great place, especially if the spirit resides in Hawaii and not just the flesh.

The time has arrived that native Hawaiians must recognize that they may be forced from their homeland by more pressures beyond their control. Those pressures of the desirability of living in Hawaii creating the high cost of living affordable by only the affluent.

Yes, we forgive the long denial, the lack of social caring and the widespread commercializing, stretching resources, even if it is rude behavior. The question is, when, when does it end and is more expected?

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(HJH)	Hawaii Journal of History	
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(NHSC)	Native Hawaiian Study Commission Vol. 1 & II	
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5/	NHSC Vol. I	pg. 13-16
6/	NHSC Vol. I	pg. 171
7/	NHSC Vol. I	pg. 16
8/	NHSC Vol. I	pg. 17
9/	NHSC Vol. I	pg. 25
10/	NHSC Vol. I	pg. 26
11/	NHSC Vol. I	pg. 26
12/	NHSC Vol. 1	pg. 27
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14/	Exhibits "B", "C" & "E"	
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20/	HST	pg. 50
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35/	Exhibit "G"		
36/	HST		pg. 33
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APPENDIXS'

APPENDIX I	Special Message, President Grover Cleveland to Congress, December 1893. See NATIVE HAWAIIANS STUDY COMMISSION, Vol. 1 pgs. 666 to 669. Also SJR 155, pgs. 353 to 365.
APPENDIX II	LIBRARY OF CONGRESS, Congressional Research Service of 1973. See SENATE JOINT RESOLUTION (SJR) 155 of 94th Congress, 1st Session Report, pgs. 274 to 309.
APPENDIX III	NATIVE HAWAIIAN LAND RIGHTS, Neil M. Levy, SJR 155, pgs. 313 to 350.
APPENDIX IV	CROWN LAND COMPENSATION CLAIM, to 95th Congress, 1st Session, by Dennis Hindman, See also NATIVE HAWAIIANS STUDY COMMISSION, Vol. 1, pgs. 685 to 691.
APPENDIX V	A CASE FOR REPARATIONS FOR NATIVE HAWAIIANS, Karen N. Blondin, Vol. XVI No. 1, 18 pages.

JED W. CARLSON
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(907)283-9603

April 14, 1984

Presiding Honorable Chairman
Senate Committee on Interior & Insular Affairs
Honolulu, Hawaii

Dear Honorable Chairman:

It will be impossible for me to attend your Hearing, regardding ALOHA ASSOCIATION'S Hawaiian Natives Claim Bill........ so I am submitting my written statement herewith:

My name is Jed William Carlson, formerly of Grand Forks, North Dakota; but because of my employment here in Alaska, I am now a resident of the State of Alaska. I am a 1983 graduate of the University of North Dakota and hold a BS degree in Chemical Engineering.

While a student at the University, the founder of ALOHA, Louisa Rice established a chapter of the Aloha Association here at the University; I became its first president. Pursuant to the Constitution & By-laws of UNDAA's chapter, its first President will serve as UNDAA's life-time Advisor to all in-coming presidents at the University of North Dakota.

So it is as Advisor and former President of UNDAA that I wish to submit my statements to you in this Hearing. It is safe for me to say at this time that no one at the University of North Dakota knew Hawaii's Story and its tragic history -- even ALOHA's Academic Advisor, Dr. Raymond Fisher of UND. Because of its lateness in the year that ALOHA got started, not too many students got to hear of us, but enough interest was generated to spread the 'awareness' of Hawaii's plight to many more students....! Our initial concern was not to get dues-paying membership, but to educate the students and faculty here at the University and to support ALOHA's Just Cause!

For now, this is all I have to say.....I await the outcome of your Congressional Hearings.....!

With sincere regards,

Yours truly,

Jed William Carlson
Jed William Carlson

TESTIMONY BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY
AND NATURAL RESOURCES
-April 16, 1984-

H. K. BRUSS KEPPELER

'Ano 'ai, me ke aloha!

As an attorney by profession and a student of history ...especially the history of Hawai'i...by habit, I was frankly rendered speechless...hard for an attorney..by the conclusions reached by the six mainland members of the Native Hawaiians Study Commission.

To believe that Minister Stevens, the representative of the United States of America government in Hawaii, could have accomplished what he did merely as a citizen of the Unitdd States of America, residing in the Kingdom of Hawaii is simply imperceptable. It's outrageous!

If that were true, then I guess, I could call up the top Admiral at Pearl Harbor today and ask him to lend me a few sailors or marines to help me clean my yard this afternoon. Good luck!

We, as Americans, are sharply critical (and rightly so) of Soviet incursions into independent countries in support of communist inspired rebels seeking to overthrow legally constituted governments. I cannot see a difference between these modern examples and the events of January, 1893.

Surely the statistics and testimony contained in Volume I of the NHSC Report have earned the close review of the Congress, but most of the conclusions reached there must be discounted as fallacious.

Under the medieval system of laws pieced together in England, which forms the foundation of our American legal tradition, "the king could do no wrong." This concept of sovereign immunity persisted for centuries. Early on, however, the King's full immunity from redress by the citizenry was chipped away by acts of wise sovereigns and legislators.

If there is no legal basis for reparations on the wrong perpetrated against the nation of Hawaii and its descendants, as Volume I of the NHSC Report concludes, then Congress has the power to create one. Congress has done so in the past and surely can do so again in this case.

The argument here is an argument for fairness! Queen Liliuokalani, in her writings, demonstrated a full understanding that the conscience of America would have to be awakened before redress for this wrong could be expected to come forth. She, perhaps, knew best that it would not come in her lifetime.

It would seem to me that the Report of the Native Hawaiians Study Commission, especially the conclusions and recommendations contained in its volume II, can help to cause a resurgence of that American Conscience which influenced the contemporary statements of Cleveland and Blount and others in the period closely following the overthrow.

There were a string of political decisions made which led to the overthrow and the annexation of Hawaii. Clearly, there are a number of political decisions which can be made to accomplish redress for those wrongs.

Am I being too simplistic? Perhaps, but I'm reminded of a statement of one of my mentors, Senator John Ushijima of Hilo.

As a raw-green Deputy Attorney General, I was testifying, in a cold sweat, before the Judiciary Committee of the Senate of the State of Hawaii during one of the old *budget* sessions.

I was being sort of long winded in my testimony justifying the passage of a non-money bill during the *budget* session. In those days, we had to show that substantive legislation not related to appropriations was extraordinary or emergency legislation and, thus, could not wait for the regular session of the ensuing year.

Senator Ushijima stopped me half-way through my testimony to point out that the true definition of extraordinary or emergency legislation boiled down to the affirmative votes of a majority of members of the legislature on the question.

In our present situation we must all work very hard together to bridge the politcal gap facing us. It's going to take *our* joint efforts, and those of friends we've made across our great nation, to awaken that tried and true American Conscience and spirit of fairness.

I commend and thank the Congressional Delegation from Hawaii for its help in this regard and, as a Hawaiian and a citizen of Hawaii and America, ask for your continued help in this endeavor.

'O au no, me ka 'oiā'i'o

AMERICAN FRIENDS SERVICE COMMITTEE

Hawaii Area Program Office

Testimony of Nelson Foster

Program Director, Hawai'i Area Office
American Friends Service Committee

Presented to the Committee on Energy and Natural Resources
of the United States Senate

At hearings on the Report of the Native Hawaiians Study Commission

Honolulu, Hawai'i
April 16, 1984

Good afternoon, Senator Matsunaga and members of the Committee. I am Nelson Foster, and I speak as a representative of the Hawai'i office of the American Friends Service Committee (AFSC).

Inspired by the values of the Religious Society of Friends (the Quakers), AFSC strives to promote justice and peace and to provide direct assistance to people in critical need, both in the United States and other nations, irrespective of differences in political philosophy, economic interests, and other considerations that often are allowed to divide the human family.

AFSC was founded in 1917 and received the Nobel Peace Prize in 1947. Its work in Hawai'i goes back to January, 1942, when a staff person and a group of volunteers undertook to assist the Japanese community in securing basic human rights and overcoming the suspicion that followed the Pearl Harbor attack.

I come before the Committee today to register strong support for the Minority Report of the Native Hawaiians Study Commission, particularly for its recommendation that Congress "clearly acknowledge the role and actions of the United States in the overthrow of the Kingdom of Hawai'i and indicate its commitment to grant restitution for the losses and damages suffered by Native Hawaiians as a result of these actions." In the course of these hearings, others better qualified to do so will offer evidence on the legal, historical, and cultural points that undergird this recommendation. AFSC has had the good fortune to hear many of these experts during its own study of Hawaiian issues, and I feel little doubt that the facts they present will make plain to this Committee the legal and cultural biases, distortions of history, and other inadequacies found in the Majority Report.

Rather than echoing these witnesses and for the sake of brevity, I will restrict my testimony to the fundamental issue of responsibility and justice which lies at the heart of this debate. Speakers of Hawaiian ancestry address these issues with more power and legitimacy than I, yet many people--including, it seems, the Majority members of the Commission--discount their perspective as one based in romanticism and self-interest. I hope that adding my voice will make their cry for justice at least a little more difficult to dismiss.

U.S. Responsibility for Injustices to the Hawaiian People

The evidence in the Majority Report alone seems sufficient to demonstrate the United States' complicity in both the past and present injustices suffered by the Hawaiian people. Britain, France, and Russia might be allocated shares of responsibility also, given the roles which their forces and agents played in Hawai'i during the 18th and 19th centuries. But America's hand has fallen far the most heavily on the Hawaiian people. It was American missionaries and merchants who wreaked havoc on Hawaiian social and religious norms. It was Americans who engineered the Great Mahele and the Kuleana Act. It was Americans who staged the coup of 1893, the American Minister who recognized the clearly illegitimate new government, and American Marines who protected it. It was Americans who pressed for and orchestrated annexation. It is the U.S. and state governments, American corporations and citizens who today hold the great bulk of the land and wealth of Hawai'i.

These facts in themselves should engender in Congress a desire and a sense of responsibility to help set things right. Granted, a court of law would have to mince legal and historical points surrounding the overthrow and annexation in order to render a decision, but the Commission was not bound by such constraints, nor is Congress.

I hope that this Committee will fasten its attention not merely on fine points of law and history but will grapple first and foremost with this question of fundamental responsibility, which may otherwise be lost in technicalities. The clear, incisive words of Queen Lili'oukalani and

President Cleveland must not be clouded with abstractions. In a case whose moral outlines are so clear, arguments about extenuating historical considerations or relevant legislative and judicial precedents seem better suited to obscure the truth than to deliver justice.

The Majority's Failure to Find U.S. Responsibility

It may be just this morass of technical argumentation that accounts for the Commission Majority's failure to accept that the United States is even partly culpable for the downfall of the Hawaiian nation, but I would like to note two other factors external to the Commission's task which seem likely to have come into play as well.

First, all six members of the Majority were up-and-coming officials in an administration that is politically and philosophically disinclined to endorse the claims of indigenous peoples, especially if doing so might later entail payment of reparations. It is hard to see how the facts could have received a fair hearing under these conditions.

Second, the Majority appears to harbor a view of history incompatible with the Commission's purpose. After attending the final meeting of the Study Commission, a staff member from AFSC's national office observed that "For the non-Hawaiians on the Commission, (history) is simple; what's past is past. History, especially this type of history, is something to be overcome, a prelude to something better. This point of view seems so basically American in its optomism and its general perception of history as an obstacle. This is clearly the view of those who win wars and whose lands don't get invaded by a foreign power. The Hawaiian view of the past seemed considerably more complex. There is no turning away from these events, no brushing aside of a major juncture in their history, no conceivable separation of their present and future from their past." In this light, the Majority findings are but another outgrowth of cultural imperialism which threaten the best interests of the Hawaiian people.

Senator Matsunaga and members of the Committee, we look to you for a recommendation more respectful of the Hawaiian people and the injustice they have survived, a proposal that will begin to undo some of the damage of the past.

Thank you for hearing me today. As a hanai son of Hawai'i, I'm grateful for this opportunity to offer testimony in support of its people's quest for justice. I offer it with the hope that the full rights of the Hawaiian people will at last be restored.

NATIVE HAWAIIAN LAND TRUST TASK FORCE

UA MAU KE EA O KA AINA I KA PONO

98th Congress, Second Session

A RESPONSE TO VOLUMES I AND II OF THE NATIVE HAWAIIAN STUDY COMMISSION

Report on the Culture, Needs and Concerns of Native Hawaiians

Before

THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Hearings on the Native Hawaiian Study Commission Majority Volume I and Minority Volume II Reports on the Culture, Needs, and Concerns of Native Hawaiians in Honolulu (April 16), Captain Cook (April 17), Wailuku (April 18) and Lihue (April 20, 1984),

And Before

THE HOUSE COMMITTEE ON THE INTERIOR AND INSULAR AFFAIRS

Hearings on the Native Hawaiian Study Commission Majority Volume I and Minority Volume II Reports on the Culture, Needs and Concerns of Native Hawaiians in Washington, D.C. on May 3, 1984.

This Report Is Also
Volume II
THE NATIVE HAWAIIAN
(Public Law 96-565, Title I)
CULTURE, NEEDS AND CONCERNS,
REPORT TO
THE PRESIDENT AND THE CONGRESS
OF
THE UNITED STATES OF AMERICA
May 14, 1984

by

Native Hawaiian Land Trust Task Force
1021 University Avenue, Honolulu, Hawaii 96826

LETTER OF TRANSMITTAL

NATIVE HAWAIIAN LAND TRUST TASK FORCE
1021 University Avenue, Room 2
Honolulu, Hawaii 96826
Tel. No. (808) 946-4351
May 14, 1984

President of the United States of America
Committee on Energy and Natural Resources
of the Senate
Committee on the Interior and Insular
Affairs of the House of Representatives

Sir:

Attached hereto is the Native Hawaiian Land Trust Task Force RESPONSE TO VOLUMES I AND II OF THE NATIVE HAWAIIAN STUDY COMMISSION REPORT ON THE CULTURE, NEEDS AND CONCERNS OF NATIVE HAWAIIANS published on June 23, 1983.

This Response is also Volume II of our Native Hawaiian Land Trust Task Force REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA ON THE NATIVE HAWAIIAN (Public Law 96-565 Title I) CULTURE, NEEDS AND CONCERNS which was published and filed with your Committee on June 23, 1983 "'3...to preclude any misunderstanding of the "culture, needs and concerns" of Title I NATIVE HAWAIIANS...'" as stated in the Native Hawaiian Study Commission Majority Volume I Report at page 736, upper left corner.

The reality of our concerns has been poignantly demonstrated by the Minority Volume II Report of the Native Hawaiian Study Commission which recommends the legal elimination of Title I Native Hawaiians for the political and economic benefit of Title III native Hawaiians by having just one definition of native Hawaiians as defined in Title III native Hawaiian--and thereby take from Title I NATIVE HAWAIIANS their vested Hawaiian Homes and Admission Act §5(f) land trusts to give to Title III native Hawaiians.

The Native Hawaiian Land Trust Task Force unequivocably oppose any change in Title I Native Hawaiian definition. Such change is morally, ethically and legally wrong. In addition, the Native Hawaiian Land Trust Task Force is also oppose to circumventing the 50% plus blood quantum requirement of the Hawaiian Homes Commission Act by lowering the blood quantum for successor of a lessee. It is noted that all lessees are notified as part of the application process that their successor must be 50% plus blood and that they must vacate the leasehold should the blood quantum be less.

To preclude future repetition of such action, we urge the adoption of our Recommendation No. 4 set forth on page 5 of our Volume I Report so as to conform all definition to Title I, Public Law 96-565 or the Hawaiian Homes Commission Act.

Respectfully submitted,

Project Director

Committee on Special Programs

G. Analika Nahulu Victor

Keaho Kulukuluualani

98th Congress, Second Session

A RESPONSE TO VOLUMES I AND II OF THE NATIVE HAWAIIAN STUDY COMMISSION

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May 14, 1984

by

Native Hawaiian Land Trust Task Force
1021 University Avenue, Honolulu, Hawaii 96826

PREFACE

This RESPONSE TO VOLUMES I AND II OF THE NATIVE HAWAIIAN STUDY COMMISSION REPORT ON THE CULTURE, NEEDS AND CONCERNS OF NATIVE HAWAIIANS is also Volume II of the Native Hawaiian Land Trust Task Force REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA ON THE NATIVE HAWAIIAN (Public Law 96-565, Title I) CULTURE, NEEDS AND CONCERNS. This Volume II incorporates and integrates Volume I in the process of responding to the Native Hawaiian Study Commission Reports.

This Response is in the nature of report and Petitinn of the class cf Native Hawaiians who petitioned the king in 1845 as set forth in Exhibits Numbers 16a, 17 and 18. The needs and concerns of Native Hawaiians expressed in the testimonies in the Hearings are the burdens the Native Hawaiian prophesized would be carried by their descendants in their response to the Legislative Council and king's reply to their petitions as set forth in Exhibits 20 and 19 respectively. The Minority Volume II reflects the tenor of the Legislative Council and the king, and the reason the protests were filed in 1845.

This Response is also in the nature of a strong protest against the Native Hawaiian Study Commission minority commissioners and their supporters effort to promote the Minority Volume II Report which provides for the legal elimination of Native Hawaiians—meaning "...any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." The promotion having been accomplished in a massive orchestrated prepaganda program as recorded in these Hearings.

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No.	Title, etc.
1.	Native Hawaiian FEDERAL-STATE TASK FORCE Source Materials.
2.	Volume I, THE NATIVE HAWAIIAN (Public Law 96-565, Title I CULTURE, NEEDS AND CONCERNS, REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA, June 23, 1983.
3.	Minority Without A Champion: Kanakas On The Pacific Coast, 1788-1850
4.	Royal Hawaiian Band, Payroll Sheets For December 1892, And January, February And March, 1893
5.	Intelligence Report 22, February 4, 1894 on Kaulana Napua.
6.	Charges Against Robert W. Wilcox, House Report No. 3001, 56th Congress, Second Session, 1901
7.	First Legislative Assembly, Territory of Hawaii, 1901 House Journal
8.	First Legislative Assembly, Territory Of Hawaii, 1901 Journal Of The Senate
9.	Congressional Record Index, 56th Congress, 2nd Sess. 1901 Congressional Record Index, 57th Congress, 1st Sess. 1902
10.	The Call Of Legitimacy And Tradition.
11.	Racial Votes (In Hawaii).
12.	Hale Mohalu, Stadium (Relation To Politics).
13.	The Hawaiian King.
14.	List Of Chiefs Participating In The Great Mahele January 27-March, 1848
15.	The Hawaii Ceded Land Trusts: Their Use And Misuse.
16.	Sketch Of J. Piikoi's Life, Written By Himself.
16a.	Petition Concerning Foreigners Taking The Oath Of Allegiance, Lahaina, June 12, 1845
17. 17.	Petition Concerning Sale Of Lands To Foreigners Kona Coast, Hawaii, June 12, 1845.
18.	Petition Concerning Independence, Foreigners In Government And Sale Of Lands To Foreigners, Lahaina, June, 1845.
19.	Reply Of The Legislative Council And The King To The Petitions From Native Hawaiians, July, 1845.
20.	Response By Native Hawaiians In Lahaina To Reply To The Petitions Of 1845
20a.	Foreigners Who Participated In The Great Mahele.
20b.	Distinguished Foreigners Who Did Not Participate In The Great Mahele
20c.	Foreigners Who Received Great Mahele And Kuleana Awards In 1848-1850

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21. Rehabilitation Of Native Hawaiians, House Report No. 839 To Accompany HR 13500, 66th Congress, Second Session
22. Statement Of Rev. Akaiko Akana On Hawaiian Homes.
23. Hawaiian Home Lands Application Form.
24. Statement Of Mr. Harry Irwin, Attorney General Of Hawaii On Why 50% Definition Of Native Hawaiian And Not 1/32.
25. Hawaiian Homes Commission Act, 1920, Senate Report No. 236 To Accompany S. 1881, 67th Congress, 1st Session, 1921.
26. Congressional Record, May 29, 1974, House, 50% Plus Blood Hawaiian For Native Hawaiian Definition In Native American Programs Act Of 1974 As Amended By Congresswoman Mink.
27. Congressional Record, June 25, 1975, Senate, Senator Fong Lowers Native Hawaiian Blood Quantum To Minimal.
28. Kinau Kamalii HR 200 In 1980 To Lower Native Hawaiian Blood Quantum In Hawaiian Homes Commission Act.
29. Kinau Kamalii HR 377 In 1981 To Lower Native Hawaiian Blood Quantum In Hawaiian Homes Commission Act.
30. G. Analika Nahulu Victor Testimony Re: Native Hawaiian Declaration On Occupation, Use And Control Over Hawaiian Archipelago.
31. Puanani Kealoha Testimony Re: Native Hawaiian Needs And Concerns.
32. Maunalaha Valley Community Association Testimony Re: Needs And Concerns Of Maunalaha, Honolulu Native Hawaiians.
33. Marie Kekahililaulani Olsen Testimony Re: Minority Volume II Effort To Change Native Hawaiian Definition
34. Winoma A. Freitas Testimony Re: Native Hawaiian Study Commission Treatment Of Hawaiian Homestead Issues With Recommendations.

10. Kenneth Smalley Testimony Re: The Call For Legitimacy And Tradition

INTRODUCTION

Native Hawaiian Land Trust Task Force Is A Self Determination Community Task Force

The Native Hawaiian Land Trust Task Force is a statewide coalition of Native Hawaiian (50% plus blood Hawaiian, as defined in the Hawaiian Homes Commission Act, 1920 and Title I, Public Law 96-565, Section 107, 94 Stat 3223) organizations and individuals organized as a community task force in response to a call for native initiative by the U.S. Secretary of the Interior in a letter to the Governor of the State of Hawaii dated December 3, 1980, which stated at page 8, paragraph 2:

> "We therefore suggest the initiation of a State-Federal task force which, with the input of the Native Hawaiian Community and the general public, would examine the DHHL requirements, investigate alternative funding methods, and promote Native initiative regarding improvements."

Purpose

The purpose and objective of the Native Hawaiian Land Trust Task Force is to provide for the full implementation of the Hawaiian Homes and the Admission Act Section 5(f) land trusts for Native Hawaiians (Public Law 86-3, 73 Stat 4, Sections 4 and 5) and as accepted as a compact by the State of Hawaii in its constitution at Article XII, Sections 1, 2, 3 and 4 as amended in 1978, and as more fully set forth in Exhibit 1 entitled "Native Hawaiian Federal-State Task Force Source Materials" by the Native Hawaiian Land Trust Task Force.

Activities

After its organization on May 30, 1981, the Native Hawaiian Land Trust Task Force carried forward a series of statewide educational workshops at all Native Hawaiian communities on each of the islands from Kauai to Hawaii, except on Niihau, on the Hawaiian Homes and the Admission Act Section 5(f) land trusts. No government support from general revenues or the Native Hawaiian land trusts were received to carry forward the educational projects. The text used was the "Native Hawaiian Federal-State Task Force Source Materials" noted above.

Uniqueness

The Native Hawaiian Land Trust Task Force is unique in that this is the first time Native Hawaiian (50% plus blood) have united on a statewide level to provide for the betterment of their conditions to work with the federal and state governments. In the past it has always been the same few who have appointed themselves to act in the name of the Hawaiian people and successfully provided for their own betterment and interests.

Although Niihau did not participate in the above program, it did participate with the Native Hawaiian Land Trust Task Force in the First Great Hawaiian Jubilee on May 1 and 2, 1982 at Kapiolani Park in Honolulu. This was the first time in which Native Hawaiian (50% plus blood) communities throughout the State of Hawaii participated in such an event.

Alternative To Confrontational Solutions

The Native Hawaiian Land Trust Task Force was organized as an alternative approach to resolving the conflicting interests of Native Hawaiians and the State and Federal Governments. Its organization is a direct result of law suits filed in Hawaii and in the District of Columbia, a Consultation held by the Hawaii Advisory Committee to the U.S. Commission on Civil Rights, and other actions by many individuals and organizations relating to breach of trusts by the State of Hawaii in management of Native Hawaiian (50% plus blood) land trusts under the Admission Act. Such acts by the State is related in detail at pages 12 to 13.

Credibility Of Native Hawaiian Study Commission Reports

The Native Hawaiian Study Commission has not presented an adequate report on the culture, needs and concerns of the Native Hawaiian (50% plus blood Hawaiian) in the Majority Volume I or the Minority Volume II of the Final Reports. Said Commission has commingled the two classes of native Hawaiians as defined in Title I and III of Public Law 96-565.

However, both Volume I and Volume II should be given the weight due to each: Volume I Majority Report sets forth a fair report of the majority members of the study commission considering the constraints of time and limited resources available to the commission.

Volume II minority report sets forth the position of the group who took control of the governance of Hawaii for more than a hundred years, and who wish to assume the identity, and then take over the rights, privileges and property of Native Hawaiians (50% plus blood Hawaiian) to the detriment of said Native Hawaiians. To achieve this end, the Minority Volume II report has been designed, and recommends the final legal dissolution of said Native Hawaiians (50% plus blood) as set forth on page 151 and elsewhere as their final and definitive position.

Comments And Recommendations Of The Native Hawaiian Land Trust Task Force

The Native Hawaiian Land Trust Task Force wants the Hawaiian Homes Commission Act, 1920 definition of "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778" as set forth in Title I of Public Law 96-565 at Section 107 to remain the same.

To resolve the confusion of two definitions of the term "native Hawaiian", the Native Hawaiian Land Trust Task Force wants to repeal the new definition of "any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778..." as set forth in Title III of Public Law 96-565 and the Native American Programs Act of 1974, Public Law 93-644, Section 813(3), 42 USC 2992c, 88 Stat 2327.

And to preclude the circumvention of the Hawaiian Homes Commission Act, 1920 definition of Native Hawaiian (50% plus blood), not to change the blood quantum for successorship to the original lessee. All lessees are informed in writing as a part of the application process that their successors must be of 50% plus blood quantum Hawaiian. Further discussions of these points are found at pages 29-30, 32-38.

Reason For The Native Hawaiian Land Trust Task Force Report Direct To The President And The Congress

Knowing the record of the Minority Native Hawaiian Study Commission against Native Hawaiians (50% plus blood) and anticipating the recommendations as in fact occurred in Volume II at page 151 and elsewhere in Volume II, the Native Hawaiian Land Trust Task Force filed a separate report with the Congress and the President of the United States of America attached hereto as

Exhibit 2 "'..to preclude any misunderstanding of the 'culture, needs and concerns'" of Native Hawaiians (50% plus blood) as set forth in our response to the Native Hawaiian Study Commission draft report published in the Final Report, Volume I at page 736, upper left corner.

Analytical Procedure In This Response

In this response by the Native Hawaiian Land Trust Task Force to the Majority Volume I and Minority Volume II Reports of the Native Hawaiian Study Commission, a chapter and section by section analysis of Volume II is presented. Unless specified otherwise, the Majority Volume I Report is given its due weight as expressed above.

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CHAPTER I

CRITIQUE ON VOLUMES I AND II

Contribution To The Early Development Of The United States By Native Hawaiians

One of the most serious of the many deficiencies of the Majority Volume I and the Minority Volume II Reports was the failure to report on the significant contributions Native Hawaiians made to the early development of the United States of America, concommitantly to the development in Hawaii. These contributions were manifestations of a free people implementing the principle underpinning its culture: AN ABSOLUTE FAITH IN RIGHTEOUSNESS!

As free people, Native Hawaiians sailed abroad to explore, to work and to learn. The first to do so was Wainee, a young woman from Kauai who sailed abroad as a maid to the wife of Captain Barkley of the Imperial Eagle in 1787 to the Pacific Northwest (the Oregon Territory) and to China.

Other Native Hawaiians followed to the Pacific Northwest and pioneered, and explored the American and the Canadian Rockies. Their labors have been memorialized in place names such as Owhyee River and Owhyee County, Idaho.

These early Native Hawaiian pioneers also worked the lumber mills, fur trapping activities, missionary activities amongst the Indians, as well as to man the vessels engaged in whaling, sandalwood and fur trades home ported in New England.

On the high seas, Native Hawaiians manned the Argentine frigate Argentina and the courvette Santa Rosa in the Pacific Ocean to terrorize the Spanish colonies and shipping leading to the establishment of the Republic of California and annexation to the United States.

Ashore in California, Native Hawaiians were one of the first to discover gold at Sutters mill where they worked.

In the War of 1812, Prince George, the son of the sacred ruling chief of Kauai, Kaumualii, was one of the first Native Hawaiian veterans of the American navy. He first served aboard the brig Enterprise and then on board the frigate Guerrire. He was discharged at the Boston Navy Yard on March 25, 1816.

Other Native Hawaiian veterans of the War of 1812 were Thomas Hopoo and William Kenui. William Kenui served aboard a privateer. All of these veterans returned to Hawaii with the first company of Protestant missionaries in 1820.

These early Native Hawaiians proved their loyalty and served the infant United States at her most trying hours, and they willingly contributed to the economic and political growth. They wanted only the basic human rights to settle, acquire land and sustenance, to raise a family and to continue to contribute to the growth and prosperity of the United States. But, instead, they received almost universal denial of such rights and opportunity. Many of them returned to Hawaii, but as this report shows, it had been no better even in Hawaii!

An extensive study of Native Hawaiians on the Pacific Coast has been conducted and published by Janice K. Duncan entitled Minority without a Champion: Kanakas on the Pacific Coast, 1788-1850 attached hereto as Exhibit 3 wherein additional detailed accounts noted above may be found.

Absolute Faith In Righteousness As A National Policy

During the early pioneering days of the Western United States during the first two decades of the nineteenth century, Hawaii was one of the major military powers in the Pacific. Its naval shipyard at Kawaihae was established in 1794, the year the U.S. Congress authorized the first U.S. naval shipyard.

At the peak of military power, Hawaii embarked upon one of the greatest demonstration of faith in history—the implementation of the Native Hawaiian belief in absolute faith in rigtheousness as a national policy—and began to disarm. By the reign of Lunalilo in 1873, even the Royal Palace Household Guards was disbanded. On September 12, 1873, Hawaii became the only member of the world family of nations with no militia.

The policy and belief in absolute faith in righteousness has been memorialized as the motto of Hawaii by Kamehameha III as UA MAU O KE EA O KA AINA I KA PONO (the life of the land is perpetuated in righteousness). The occasion for enunciation of this belief was the restoration of the sovereignty of Hawaii by the British on July 31, 1843. Just six months earlier, the United States had recognized the independence of Hawaii on December 19, 1842. On November 28, 1843 Great Britain and France recognized Hawaii as a member of the world family of nations, the first nation so recognized in the Pacific, Asia, Near East and Africa. Treaties of friendship were executed thereafter with France and Great Britain on March 26, 1846; Denmark on October 19, 1846; Hamburg on January 8, 1848; United States on August 19, 1850; Breman on March 27, 1854; Sweden and Norway on April 5, 1855; Netherlands on October 16, 1862; Italy on July 22, 1863; Spain on October 9, 1863; Switzerland on July 20, 1864; Russia on June 19, 1869; Japan on August 19, 1871; Austro-Hungary on June 2, 1876 and Germany on September 19, 1879.

The substance of the principle underlying the motto of all of the governments over Hawaii to the present State of Hawaii was first expressed by Kamehameha the Great, the father of Kamehameha III, in 1783 at the Kaipalaoa Heiau in Hilo in the mamalahoa kanawai (the law of the splintered paddle). Mamalahoa kanawai expressed the principle to protect the weak, young aged, helpless, travellers, and all those in need, including the concept of amnesty and non-retribution. Mamalahoa kanawai predates the arrival of Christian missionaries.

Changes In Attitudes Of Royalists After 1893

The Majority Volume I nor the Minority Volume II Reports have considered changes in the attitudes of Royalists after the abrogation of the monarchy in 1893 bearing upon the issue of reparation and compensation for loss of domain and dominion and especially after annexation and establishment of the Territory of Hawaii. Many of the Royalists were directly and indirectly involved in the Revolution of 1893, the Revolution of 1895 and the emergent Revolution of 1899, and the critical Revolution of 1900-1901 bearing upon the loss of domain and dominion.

The initial reaction of Royalists to the abrogation of the monarchy was to support the queen. As an example, many members of the Royal Hawaiian Band refused to swear allegiance to the Provisional Government and thereby forfeited their position as band members. The positions of those who resigned were filled by those who were willing to pledge support to the Provisional Government and receive a pay raise in the process. Those who pledged to support the Provisional Government is identified on the payroll sheets of the Royal Hawaiian Band for February and March 1893 in Exhibit 4. The Royalist band member names are found on the December 1892 and January 1893 payroll sheets—the names not appearing on the February and March payroll sheets are those of the Royalists. Although Caucasian names predominate in the February and March payroll sheets, many of these are of part-Hawaiians. There are names of other nationalities, including Hawaiian.

The Royalist former band members celebrated the first anniversary of the mass resignation with a new song entitled Kaulana Na Pua as noted in the internal security report filed by an agent named Washington dated February 4, 1894 in Exhibit 5.

Revolution Of 1895

The Provisional Government and then the Republic of Hawaii made a concerted effort to tend to the cultural interests of Native Hawaiians, such as to appoint Maria Kahaawelani Beckley, a member of the Hoohulu family, as the keeper of the Royal Mausoleum in Honolulu in due conformance to tradition. For almost two decades, such had not been the case. The Republic also established the 999 year inheritable leaseholds for the benefit of people in remote rural areas subsisting by sufference on their traditional lands under the Land Reform Act of 1895. Other actions were also undertaken, but resistence of Royalists continued.

On January 7, 1895, Government forces advanced upon Royalists who had entrenched themselves on Diamond Head in Waikiki. The Royalists successfully fought off the Government forces until cannon fire from the tug Eleu and a field piece at the foot of Diamond Head in Kapiolani Park drove them off. The Revolutionists of 1895 finally surrendered and were tried for treason. Robert W. Wilcox, the leader of the revolution, was acquited of all charges by a jury. Others were tortured and suffered permanent injuries. Many months later, in a conciliatory move, everyone

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convicted of treason and other crimes in the Revolution of 1895 were granted full pardon.

Incipient Revolution Of 1899

The annexation of Hawaii by the United States in 1898 did not change the attitude of Royalists. On January 31 and March 8, 1899, Robert W. Wilcox wrote two letters to his supposed friends in Washington, D.C. concerning another revolution in Hawaii. These letters document the plotting of another uprising by the Royalists as of the Spring of 1899.

Revolution Of 1900

During the latter half of 1899, significant changes began to occur in the attitudes of Royalists toward the United States. Robert W. Wilcox spent five months in Washington, D.C. working on an organic act for the forthcoming establishment of the Territory of Hawaii. He was surprised at the sincerity of federal officials toward the welfare of Native Hawaiians. In a petition before Congress, he noted that "(h)e freely confesses that he did not therefore understand fully the institutions or the feelings of the United States...." as set forth in Exhibit 6 entitled "Charges Against Robert W. Wilcox", at page 2.

The enactment of the Organic Act on April 30, 1900 to be effective on June 14, 1900 dissipated the fears Royalists had of the United States. The provision for universal sufferage made it possible for Native Hawaiians to be the dominant voting block for the first time since 1864 when the property ownership requirement to be a voter in the Constitution of 1864 promulgated by Kamehameha V disenfranchised most Native Hawaiians as noted in the Majority Volume I at pages 63-65.

The first open and free election in a generation resulted in the control of key elected offices by Royalists. In response to this phenomena, Representative Frederick W. Beckley, the vice speaker of the House of Representatives from Maui, introduced a revolutionary resolution on the first working day of the first Territorial Legislature—the second Legislative day—on February 21, 1901. The resolution was a protest against the belief that "...individual and class interests should guide advancing humanity and that the power of the State should be invoked to further purely mercenary motives" and called for the reading of the Declaration of Independence of the United States of America in both the English and the Hawaiian languages. The motion was carried and the Declaration read in both languages as set forth in Exhibit 7, copies of pages from the House Journal.

The following legislative day, on Saturday, February 23, 1901, no session being held on February 22, Senator W. White moved for adoption of the identical resolution read by Representative Beckley two days before. The motion was adopted and the Declaration of Independence was read in both the English and Hawaiian languages as set forth in detail in Exhibit 8, being pages from the Journal of the Senate of the First Legislative Assembly in 1901. It is significant that effort to just enroll the resolution was defeated. The Royalists wanted the resolution to be read in both Hawaiian and English as well as to have it enrolled.

In Washington, D.C., Delegate Robert W. Wilcox, the leader of the Revolution of 1895 as well as that of 1899, was challenged from taking his seat in the House of Representatives. The most serious of three charges was treason against the United States. He was cleared of all charges as noted in Report No. 3001 of the 56th Congress, Second Session by the House Committee on Elections No. 1 as noted in Exhibit 6. Upon his seating, Delegate Wilcox carried forward his labors as a delegate from Hawaii representing all of the people of Hawaii as noted in the index sheet during his entire term in Congress attached as Exhibit 9.

The historic events of 1900-1901 was a basic social revolution forcasted by Lt. General John M. Schofield in his memoir Forty-Six Years in the Army at page 432:

> "The continuous and rapid decay of all the ancient families of chiefs, from which alone would the people ever think of electing a king or a queen, and the notorious corruption in blood and character of the few remaining half-castes nominally belonging to those ancient families, made it plain to all that the monarchial government must soon die a natural death, or become so intolerably corrupt as to make its overthrow inevitable."

Oligarchy Reestablish Control Over Native Hawaiians

Immediately after the first open and free election in Hawaii the revolutionists of 1893 who established themselves as the new oligarchy sought to recruit candidates to carry their banner. Jonah Kuhio Kalanianaole as the candidate for delegate to Congress led the Republican oligarchial party ticket. Within fifteen years, the Royalists had become extinct as a party.

The Democratic Party was led by David Kawananakoa as one of the charter members.

The Majority Volume I Report is in error to state that the presence of Kalanianaole in the Republican Party and Kawananakoa in the Democratic Party ensured the royal presence in the new political pattern which emerged after the first election at page 64. The royal titles assumed by both brothers are not formal titles but honorary as pointed out by Kenneth Smalley in his contribution entitled The Call for Legitimacy and Tradition at page 18, which is attached hereto as Exhibit 10.

That the dominant Native Hawaiian voters, see Racial votes analysis by Littler in Exhibit 11 and Majority Volume I at page 65 and Table 42 at page 86, was won over by the Republican Party with its roots in the abrogation of the monarchy, is significant. So long as Native Hawaiians remained dominant and supported the Republican Party, the Republicans controlled the government in Hawaii. The demise of the Home Rule Royalist Party was directly related to the strength of the Republican Party in an inverse ratio.

Hawaii College Club Impact On Native Hawaiian Values

The Territorial Normal and Training School was the facility which trained teachers in the public schools with distinctly "Hawaiian" values. It began as a teacher training curriculum program of the reorganized Fort Street School in 1895 and was renamed the Honolulu High School. From 1896 to 1905 it was known as the Honolulu Normal and Training School. In 1905 the facility was moved to Lunalilo and Quarry Streets and renamed the Territorial Normal and Training School.

Under the leadership of Edgar Wood from 1897 to 1921 as principal, the preference and emphasis of the Normal School was on the Hawaiian. As Mr. Wood expressed it in the 1920 biennial report of the Superintendant of Public Instruction: "The Hawaiian teacher is recognized as among the very best in our schools, and, as a social factor in the community, he is undoubtedly the best."

In the fall of 1916, a direct onslaught was launched against the Normal School by the Hawaii College Club composed of 169 Caucasian women in a letter to Governor Lucius E. Pinkham. As a direct result of the letter and further discussions, the U.S. Office of Education conducted "A Survey of Education in Hawaii" in 1920, abolishment of the Territorial Normal and Training School and its incorporation into the University of Hawaii as the Teachers' College.

The dissolution of the Normal School effected an irretrievable loss of the last public training facility in which Hawaiianess was emphasized. Thereafter, Hawaiian language and culture, as well as teacher role model began a precipitous decline.

Violence And Suppression Under The Authority Of The State

Neither the Majority Volume I nor the Minority Volume II have considered the violent and suppressive use of force by officials of the State of Hawaii against Native Hawaiians.

Late in the afternoon of June 6, 1975 (Friday), the island of Mokauea in the Honolulu Harbor-International Airport reef area became the scene of arson. The State hired a contracting firm to destroy the homes of resident fishermen and their families under the supervision of several State officers. The houses were saturated with kerosene and set afire with matches. Earlier in the week, on Tuesday, fires of unknown origin destroyed other homes.

Three years later, on September 4, 1978 (Labor Day), Native Hawaiians (50% plus blood Hawaiian) and some supporters moved on to the Hilo Airport to assert the rights of Native Hawaiian beneficiaries to 92 acres of Hawaiian Home lands in the middle of the main landing strip which had been illegally confiscated by the State of Hawaii for airport uses. They were confronted by National Guard troops (who were predominantly Native Hawaiians) in full riot gear: clubs, automatic rifles, and barb wires, and also policemen. More than sixty persons were taken to the police station. Fifty-one demonstrators were charged with "entering a restricted area." Subsequently, all cases were dismissed or nul prossed.

A year later, on Sand Island in Honolulu Harbor, just 1000 feet from Mokauea Island, State officers led by a deputy attorney general of Hawaiian ancestry brought in bulldozers, and commenced systematic demolishment of all houses and burnt the splintered remains on December 7, 1979 and January 23, 1980. On the latter date, nineteen persons were arrested as they sang the song "Hawaii Aloha". The charge was "obstructing government operations." The cases were all dismissed after extensive proceedings in the Honolulu District Court, First Circuit Court, as well as in the Hawaii Supreme Court, except the case of a minor tried in the Family Court.

Similar confrontational incidents and litigation followed at the Kukailimoku Village at Kailua-Kona on the island of Hawaii, Makua Beach at Waianae on the island of Oahu, and at Hale Mohalu in Pearl City on the island of Oahu. The political underpinning of the action in the case of Hale Mohalu has been described by Emmett Cahill in Exhibit 12, illustrating the process of abuse of power and authority by State officials and those related to State officials.

CHAPTER II

CRITIQUE ON VOLUME I

"The Kapu Falls," Page 153, And "Overthrow Of The Kapu System, In 1819" Page 232

The ancient kapu system was not abandoned in 1819 as stated in the Majority Volume I Report at pages 153-154 entitled "The Kapu Falls," and at page 232 entitled "Overthrow of the Kapu System" and continuing to page 234. Practitioners of the kapu have continued their practices beyond 1819.

In the school law of May 21, 1841, the kingdom officially recognized the persistence of such practices as set forth in Chapter VII, paragraph 9 of "A Statute for the Regulation of Schools" in The First Laws Of The Hawaiian Islands compiled in 1842 and reprinted in the Fundamental Laws of Hawaii as edited by Lorrin Thurston at page 49 and reading as follows:

> "9. The proper ages for children to go to school shall be considered to be from four years and upwards to fourteen years of age. If any man have a child of a suitable age to go to school, but below eight years of age, and do not constantly send him to school, then that parent shall not be freed from the public labor of the King and the land agent, on the labor days, whatever may be the number of his children, neither shall his portion of land be increased, nor shall he be permitted to cut on the mountains such kinds of timber as the King gives to the people. All those kinds of timber are taboo to those parents who send not their children to school. Nor shall those parents fish on those fishing grounds which the King gives to the people. Those parents have a preference for darkness, therefore let the taboo's of those times of darkness apply to them.
>
> But if a child be more than eight years of age and do not go to school, then the fault shall not be considered as the parent's only but the child's also. That child shall go to the public labor of the King and land agents on all labor days. No child (over eight years of age) who does not go to school, shall be freed from public labor; they shall all go to work."

The period before 1819 when the kapu was in full force is known euphemistically as the "times of darkness". The practice of kapu is also stated to be "preference for darkness." The period is also the pre-Christian as noted by Keopuolani in Exhibit 2 at page 46, line 2; page 53, paragraph 2.

Errors In "The Great Mahele", Pages 255-257 And "Land Laws And Relationships," Pages 253-264

Serious errors have been committed by the Native Hawaiian Study Commission in both the Majority Volume I at pages 253 to 261 and in general in the Minority Volume II regarding the Great Mahele and the land laws applicable or derived therefrom.

The most significant is the failure to comprehend and relate the concept of reciprocal bond between the chiefs and the common people with the totality of the relationship between the chiefs, common people and the land.

In addition, the Commission failed to consider the most important personage who shaped and gave form and direction to the development of modern Hawaii during the critical first and second decades of the nineteenth century. The personage was Keopuolani, the most sacred in the Kingdom of Hawaii. She was the wife of Kamehameha the Great and the mother of Kamehameha II and III. Her rank was so exalted that even her husband, Kamehameha the Great had to pay homage. She was in fact the person to whom the entire Kingdom of Hawaii was structured. See Exhibit 2, pages 36-45 for the most complete biography on Keopuolani. At her deathbed, on September 15, 1823, she decreed the necessity to care for the land and the people, which specific trust continues to the present as the Admission Act Section 5(f) and the Hawaiian Homes Commission Act land trusts. Exhibit 3, page 60, lines 7-9.

With the passing of Keopuolani at sunset on September 16, 1823 ended an era, and a new era began in conformance to Hawaiian culture wherein the day begins at sunset. In the following decade and a half, the trust decreed by Keopuolani was conformed to. It continued so long as the great alii of her generation lived and guided the implementation and development of the land trust.

Errors In The Number Of Estates

The Board of Commissioners to Quiet Land Titles did not correctly express the pattern of land interests in the Kingdom. The Majority Volume I at page 255 quotes the Board regarding such interests as follows:

> "If the King be disposed voluntarily to yield to the tenant a portion of what practice has given himself, he most assuredly has a right to do it; and should the King allow to the landlord one-third, to the tenant one-third and retain one-third himself, he according to the uniform opinion of the witnesses, would injure no one unless himself; ...According to this principle, a tract of land now in the hands of landlord and occupied by tenants, if all parts of it were equally valuable, might be divided into three equal parts..."28/

The Majority Volume I at page 255, footnote 31 attempts to explain this statement by quoting Kuykendall conclusion that the division of the mahele into three parts is in error:

> "The statement that the land was divided into three parts—one part to the king, one part to the chiefs, and one part to the common people—is wholly erroneous."31/

In addition, the Majority Volume I at the same page 255 also noted that "(t)he king and chiefs did not intend to divide the land in thirds with the tenants.30/"

In fact, several errors are inherent in the above statements.

A "King" Is Not A Hawaiian Concept

The office of a "king" or the title did not exist in Hawaiian tradition and culture. It was invented by foreigners in the services of the kingdom. See Volume I at page 157 for comments on such persons. The development of the office or concept of "king" is set forth in the study by John F. G. Stokes entitled "The Hawaiian King" attached hereto as Exhibit 13.

There was no concept of a "king" when the Kingdom of Hawaii emerged and created, and the vested rights in land established. Kamehameha the Great who founded the kingdom was not a king and he never assumed the title nor the office. He considered himself at all times to be the ruling chief. However, he was not of the highest rank. His wife, Keopuolani, was his superior as noted above.

Two Estates Existed, Not Three

There were but two estates with interests in land in Hawaii: the chiefs and commoners. Both estates were divided into many divisions. Amongst the chiefs were the most sacred, such as Keopuolani, and extended down to the konohiki or land managers. At the time of the Great Mahele, Kamehameha III was of the highest rank and therefore received the largest portion or division. Victoria Kamamalu and Lunalilo were of the next highest rank and therefore received the next largest acreages of more than a hundred thousand acres a piece. However, most of the classmates of these two at the Chief's Childrens School did not participate in the Great Mahele as shown on Exhibit 13a.

The Great Mahele Process

The Great Mahele was made between Kamehameha III and 251 "chiefs" at Haliimaile, also known as Hale Alii, on the present grounds of Iolani Palace in Honolulu. The number of chiefs is not 248 as stated in the Majority Volume I report at page 256. The complete list of names of the 251 chiefs is attached hereto as Exhibit 14.

Within Haliimaile, Kamehameha III sat at a table with each of the 251 chiefs in succession before a book to execute the mahele of the lands. On the right side of the open book, Kamehameha III executed a grant to the chief sitting with him. On the left side of the page, the chief sitting with Kamehameha III executed a grant to Kamehameha III.

The first mahele was made between Kamehameha III and Victoria Kamamalu. Victoria being a child, the mahele was executed by her guardians, M. Kekuanaoa and Ioane Ii on the 27th day of January, 1848. The mahele continued between Kamehameha III and each chief from day to day, taking up one island after another until the 251st mahele was executed by Enoka Kahakumakaliua on March 7, 1848.

As an example on February 10, 1848, Kamehameha III at page 133 executed to Keo Lui, Kahoohanohano, Maluae (woman) and Kalaionehu (woman) their respective mahele awards. On the same day, these chiefs executed to Kamehameha III their interests in the specified mahele parcels to Kamehameha III as set forth on page 132 of the Mahele Book, and which pages 132-133 is shown below.

The text of the mahele to Keo Lui to Kamehameha III on page 132 and from Kamehameha III to Keo Lui and the translation of the texts are as follows:

132

Ko Kamehameha III

Ko Aina	Ahupuaa	Kalana	Mokupuni
½ Pakui	Ili no Kaneohe	Koolaupoko	Oahu

Ke ae aku nei au i keia Mahele, ua maikai, Ko ka Moi na Aina i ka kauia maluna. Aohe o'u kuleana maloko.

Keo Lui

Hale Alii
Februari 10, 1848

133

Keo Lui

Ko Aina	Ahupuaa	Kalana	Mokupuni
½ Pakui	Ili no Kaneohe	Koolaupoko	Oahu

Ke ae aku nei au i keia Mahele, ua maikai No Keo Lui ka ½ aina i kakauia maluna; ua ae ia ku e hiki ke lawe aku imua o ka Poe Hoona kuleana.

Kamehameha

Hale Alii
Februari 10, 1848

TRANSLATION:

Kamehameha III

Land	Land Division	District	Island
½ Pakui	Kaneohe	Koolaupoko	Oahu

I hereby agree to this division. It is satisfactory. The lands are the kings'. I have no right to the lands.

Keo Lui

Palace
February 10, 1848

Keo Lui

Land	Land Division	District	Island
½ Pakui	Kaneohe	Koolaupoko	Oahu

I agree to this division. It is satisfactory. The lands above inscribed are Keo Lui's. He may take them before the Land Commission.

Kamehameha

Palace
February 10, 1848.

Ko Kamehameha III.

Ka aina	Ahupuaa	Kalana	Mokupuni
½ Pakuu	Ili no Kaneohe	Koolaupoko	Oahu

Ke ae aku nei au i keia mahele, ua maikai. No ka Moi ka aina i kakau ia maluna. aohe o'u kuleana maloko.

Jo Ii

Hale Alii
Feberuari 12, 1848

Ko Kamehameha III.

Ka aina	Ahupuaa	Kalana	Mokupuni
Kuou	Ili no Kaneohe	Koolaupoko	Oahu

Ke ae aku nei au i keia mahele, ua maikai. No ka Moi ka aina i kakau ia maluna aohe o'u kuleana maloko.

[illegible]

Hale Alii
11 Feb. 1848

Ko Kamehameha III.

aina	Ahupuaa	Kalana	Mokupuni
½ Lauka		Hamakua	Hawaii

Ke ae aku nei au i keia mahele, ua maikai. No ka Moi ka aina i kakau ia maluna aohe o'u kuleana maloko.

Melesa

Hale Alii
12 Feb. 1848

Ko Kamehameha III.

Ka aina	Ahupuaa	Kalana	Mokupuni
Hopeloa	Ili o Kalana	Kohala	Hawaii

Ke ae aku nei au i keia mahele, ua maikai. No ka Moi ka aina i kakau ia maluna: aohe o'u kuleana maloko.

E Kalaioneha

Hale Alii
11 Feb. 1848

No Keo Lii.

aina	Ahupuaa	Kalana	Mokupuni
½ Kahui	Ili no Kaneohe	Koolaupoko	Oahu

Ke ae aku nei au i keia mahele, ua maikai. No Keo Lii ka aina i kakau ia maluna. ua ae ia e hiki ke lawe aku imua o ka Poe Hoona Kuleana.

Kamehameha

Hale Alii
Feberuari 10, 1848

No Kahookanaka.

Ka aina	Ahupuaa	Kalana	Mokupuni
Uaoule	Ili no Waiahole	Koolaupoko	Oahu

Ke ae aku nei au i keia mahele, ua maikai. No Kahookanaka ka aina i kakau ia maluna. ua ae ia e hiki ke lawe aku imua o ka Poe Hoona Kuleana

Kamehameha

Hale Alii
11 [illegible] 1848

No Kaluaa.

aina	Ahupuaa	Kalana	Mokupuni
½ Kauka		Hamakua	Hawaii

Ke ae aku nei au i keia mahele, ua maikai. No Kaluaa ka aina i kakau ia maluna: ua ae ia e hiki ke lawe aku imua o ka Poe Hoona Kuleana

Kamehameha

Hale Alii
10 Feb. 1848

Ko Kalaioneha

Ka aina	Ahupuaa	Kalana	Mokupuni
Alaaomi	Ili Kalauao	Ewa	Oahu

Ke ae aku nei au i keia mahele, ua maikai. No Kalaioneha ka aina i kakau ia maluna: ua ae ia e hiki ke lawe aku imua o ka Poe Hoona Kuleana

Kamehameha

Hale Alii
10 Feb. 1848

Grant To The Government

On March 8, 1848, the day after the mahele with the "chiefs" was concluded, Kamehameha III conveyed about one half of the lands he had received from the "chiefs" to the government. This act was formalized on June 7, 1848 as an act of the Legislative Council and codified in the Civil Code at page 374.

Mahele Grants Were "Subject To Rights Of Tenants"

All of the partitioned lands in the Great Mahele were subjected to the rights of tenants. This included the lands to the chiefs, the king or to the government.

Reservation Of Mineral Rights

After the mahele, the recipients took the award to the Board of Commissioners to Quiet Land Titles and after payment of the necessary fees received a Royal Patent. The Royal Patent included a clause "excepting and reserving to the Hawaiian government, all mineral or metallic mines of every description." See Exhibit 15 entitled The Hawaii Ceded Land Trusts at pages 28-38 for a discussion on mineral reservation.

Distribution To "Commoners"

The Majority Volume I presents a fair analysis of the mahele distributions to "commoners" at pages 256-257. Further detail may be obtained at pages 18-22 in Exhibit 15 noted above.

Great Mahele Was Breach Of Trust

The Great Mahele was a crudely designed and executed program which made it possible for many chiefs and alii to obtain large tracts of land and to dispossess people on the land. After large tracts of lands were cleared of tenants' rights, such lands became available for the exclusive use of cattle, goat or sheep to serve the needs of American and European whalers, traders, and sugar growers who needed large tracts of lands.

Sale Of Lands To Dispossessed

After dispossessing 90 percent of the people from the lands they had lived on and tilled from time immemorial, the government allowed such dispossessed people the right to purchase the very lands they were to have received without payment of any consideration under the Great Mahele of 1848. The sales were considerable as shown on Table I, page 21 in Exhibit 15. These sales demonstrates that many people did want land, and the only way they could were by purchase.

Adverse Possession

Before a generation had elapsed, alienation of the few land holdings by legal stealing was authorized by the adverse possession law enacted in 1870 during the reign of Kamehameha V. Many families did in fact lose their small holdings as large land owners ran their cattles through fields over the requisite statutory period.

Judd And Piikoi Takes Credit for Mahele

Two individuals have taken credit for execution of the Great Mahele as it in fact happened. The first was Gerrit P. Judd, a physician-missionary employed by the Hawaiian government, who wrote the following in writing to R.C. Wyllie:

> "You know that the work was done, and how thoroughly, but you can never know what obstacles had to be encountered, whose feelings were hurt; whose rights, in his or her estimation, were disregarded; but I have the satisfaction and a great blessing to the Hawaiian nation." Laura Judd, Honolulu, Sketches of the Life, Social, Political and Religious in the Hawaiian Islands from 1828 to 1861, Honolulu Star-Bulletin, 1928, p. 197.

The second was Jona Piikoi who wrote in his autobiography, which is reproduced in full as Exhibit 16, as follows:

> "I also received from the King a very important duty—that of superintending the division of lands between the King and the chiefs at Haliimaile. When I undertook this duty, some of the chiefs said that they did not wish for me to to divide the lands for them. I made reply to them that if they would not take my division, they must lose all their lands, from Hawaii to Kauai. These were strong words, but I spoke confidently, well knowing that I had ample authority from the King...."

Protests Against Mahele And Foreigners

As soon as information about the reorganization of the government and sale of lands to Americans and other Caucasians reached the common people outside the capital, opposition developed. Petitions from Lahaina, Maui; Wailuku, Maui; and the Kona coast of Hawaii were executed and forwarded to Kamehameha III. The messages were prophetic: Do not sell land to foreigners. Do not allow foreigners to become government officials, but to retain them only as advisors. If not Native Hawaiians will suffer!

Government officials refused to heed the pleas of the Native Hawaiian commoners. Documentations are as follows:

Petition from Lahaina regarding foreigners taking the oath of allegiance and in the process obtain land, take over the wealth, then the kingdom dated June 12, 1845 attached as Exhibit 16(a).

Petition from Kona on the island of Hawaii regarding sale of lands to foreigners and the resulting dispossession of Native Hawaiian commoners in Hawaiian and with its translation dated June 12, 1845 attached as Exhibit 17.

Petition from Lahaina regarding the independence of Hawaii and foreigners in government service dated about July-August, 1845 attached as Exhibit 18.

Reply from the government to the petitions from Lahaina, Wailuku, and Kona to the effect that what is being done is for the best interests of all dated July 8, 1845 attached as Exhibit 19.

Response to the government from Lahaina stating that the Native Hawaiian commoners disagree with the government, and that Native Hawaiians will suffer as a result dated August 1845 attached as Exhibit 20.

Sufferings By Native Hawaiians

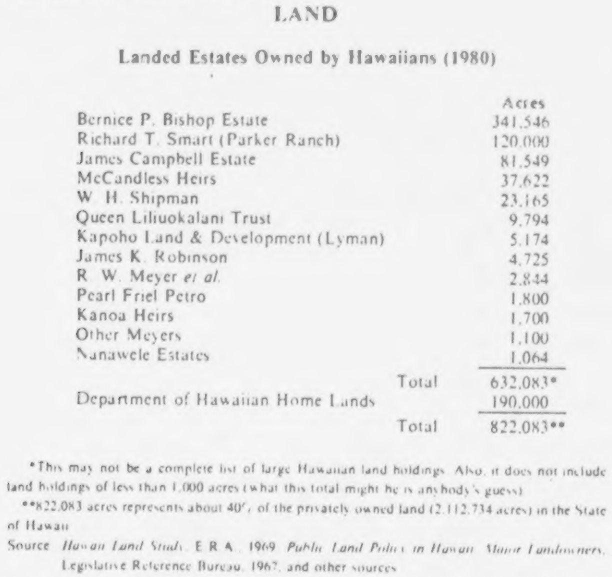
Since the fatal errors by the chiefs in government, Native Hawaiian commoners and other chiefs who sided with the commoners have suffered the effect of the breach of trust by government officials for more than 140 years to today. The blatant abuse and misuse of power of government as developed and influenced by foreigners have plagued Native Hawaiians.

As an example, when the Native Hawaiian Land Trust Task Force sought funding to publish this Report to the President and the Congress from the trust funds for Native Hawaiians, the Office of Hawaiian Affairs which is controlled by lower blood quantum Hawaiians refused such funds as documented at page 125 of Exhibit 2. Similarly, the Department of Hawaiian Home Lands also refused funds as documented at page 126 of Exhibit 2. The proposal being set forth at pages 111 to 124 of Exhibit 2.

Even more severe are the physical and emotional violence which have been suffered and are still in process as set forth at pages 12 to 13 above entitled "Violence And Suppression Under The Authority Of The State".

Descendants Of Foreigners Are Todays Large Hawaiian Land Owners

The substance of the fears expressed in the petitions of 1845 have come to pass. The descendants of foreigners in government service are todays Hawaiian large land owners, directly or indirectly. As an example the Hawaiian land charitable trusts, etc. described in the Majority Volume I report at pages 445-446 services to a predominant degree lower blood quantum Hawaiians. A list of "Land Estates Owned by Hawaiians (1980)" compiled by Project Waiaha directed by George S. Kanahele identifies the large land owners in Hawaii.



LAND

Landed Estates Owned by Hawaiians (1980)

		Acres
Bernice P. Bishop Estate		341,546
Richard T. Smart (Parker Ranch)		120,000
James Campbell Estate		81,549
McCandless Heirs		37,622
W. H. Shipman		23,165
Queen Liliuokalani Trust		9,794
Kapoho Land & Development (Lyman)		5,174
James K. Robinson		4,725
R. W. Meyer *et al.*		2,844
Pearl Friel Petro		1,800
Kanoa Heirs		1,700
Other Meyers		1,100
Nanawele Estates		1,064
	Total	632,083*
Department of Hawaiian Home Lands		190,000
	Total	822,083**

*This may not be a complete list of large Hawaiian land holdings. Also, it does not include land holdings of less than 1,000 acres (what this total might be is anybody's guess).

**822,083 acres represents about 40% of the privately owned land (2,112,734 acres) in the State of Hawaii.

Source: *Hawaii Land Study*, E.R.A., 1969; *Public Land Policy in Hawaii: Major Landowners*, Legislative Reference Bureau, 1967, and other sources.

Source: George S. Kanahele, Current Facts and Figures About Hawaiians, Honolulu: Project Waiaha, 1982, page 4

Foreigners In The Great Mahele

Foreigners who participated in the Great Mahele numbered at least eight as shown on Exhibit 20a: seven Caucasians and one Tahitian. These foreigners constituted 3.2 percent of the mahele "chiefs", or 0.6 percent of the foreign population. In contrast, the 243 native chiefs, which included 12 "half-caste" chiefs, constituted 0.3 percent of the native population.

Mahele Foreigners Were Not The Distinguished Foreigners

The foreigners in the Great Mahele is significant not in their numbers but in the insignificance of the status in life of the participants compared to those foreigners who did not participate in the Great Mahele as shown in Exhibit 20b. The only foreigner who could be said to be distinguished was G.P. Judd, who happened to be one of the a member of the Board of Commissioners to Quiet Land Titles.

Foreigners In The Kuleana Awards

The number of foreign persons who participated in the kuleana awards of 1850, the distribution to the commoners, totaled over 200. Many of these received multiple parcels on many of the islands. The names of the foreigners as shown on Exhibit 20c are readily observable as those of "Hawaiian" families with large land holdings as noted on page 23. It is noted that the list of names in Exhibit 20c includes the eight "chiefs" in Exhibit 20a. The more than 200 foreigners receiving kuleana awards constituted 15 percent of the foreign population. When the demographic characteristics of the foreign population is examined, it is seen that 15 percent is a significant figure: Unmarried 409; living with foreign wives 133 (266 total); children 239; living with native wives 343; and foreigners in Hilo 59.

In contrast to foreigners, Native Hawaiians in the kuleana awards amounted to only ten percent and varying from a low on the islands of Hawaii of only six percent to a high on Molokai of 20 percent.

CHAPTER III

CRITIQUE ON VOLUME II

Response To Chapter 1

A Changing World, Pages 34-53

This chapter is weak. The addition of the Native Hawaiian Land Trust Task Force REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA is required to present a balanced report, which is Exhibit 2. In addition Chapter II above should be added.

Response To Chapter 2

Three Days In January, 1893, Pages 54-69

This chapter is satisfactory.

Response To Chapter 3

The Blount And Morgan Reports Re-examined, Pages 70-79

No objection to the contents of Chapter 3, except for the commentary in the third paragraph on page 77 which reads as follows:

> "Native Hawaiians argue that as a result of intervention by an official representative of the United States government, Hawaiians lost both the internal and external rights and control that are paramount to a sovereign nation. Among those rights were the right to chose a form of government, make laws, oversee the public domain, and provide for their common good. Moreover, they lost the right to make agreements and treaties with other nations, and to exhibit the external manifestations of sovereignty."

Here we have the crux of the difference between Title I and Title III Native Hawaiians. Title I Native Hawaiians have filed protests ever since 1819 that their rights were being infringed upon, and continue to file protests a generation later in 1845, and have continued to do so until today. This report is the latest.

At each protest, Native Hawaiians have been suppressed by the group in power, whether it be in the Kingdom, the Republic or the State of Hawaii. Native Hawaiians have never had the opportunity to choose a form of government, etc., but have continuously been denied such rights by the interest group represented by the Minority Volume II Report!

Response To Chapter 4
The Claims Of Conscience, Pages 80-99

The Native Hawaiian Land Trust Task Force do not seek claims from the United States for wrong committed by the United States for loss of domain and dominion. The United States has treated Native Hawaiians fairly. Further, the grandparents of todays Native Hawaiians who suffered the injustices, privations, and even received permanent physical and emotional damages by having been involved directly and indirectly in the Revolutions of 1893 and 1895 forgave the United States as set forth above at pages 7-10.

Although Native Hawaiians do not seek claims for loss of domain and dominion legal and equitable claims does exist.

U.S. Is Liable For Taking Ceded Lands

Minority Volume II is in error to state on page 99 that:

> "It is highly unlikely that the United States could be held liable for a 'taking' of Government and Crown lands under the Fifth Amendment"

On the contrary, the United States can be held liable because the government and Crown lands were encumbered with the property rights of Title I Native Hawaiians as more fully considered below in the following pages.

Response To Chapter 5
The Ceded Lands Trust, Pages 102-122

To this chapter must be added the first report on the ceded land trusts which began the entire process leading to this Chapter 5, i.e. HAWAII'S CEDED LAND TRUST: ITS USE AND MISUSE by Mitsuo Uyehara published in 1977 which is attached hereto as Exhibit 15.

Response To Chapter 6
The Hawaiian Homes Act, Pages 124-146

To this chapter should be added the Congressional findings of the Hawaiian Homes Commission Act set forth in House Report No. 839 of the 66th Congress, second session accompanying HR 13500, and also the statement of Akaiko Akana at the third session of the 66th Congress on H.R. 13500, attached as Exhibits 21 and 22 respectively. The statement by Reverand Akana before the Senate Committee on Territories relates how the

Hawaiian Homes Commission Act concept from the effort to remove Native Hawaiians from the tenement district in Honolulu through the efforts of several civic clubs and associations at page 45 of Exhibit 22.

Response To Chapter 7
Conflicts Of Purpose, Pages 133-146

The substantive differences between the views of Title I Native Hawaiians and Title III Native Hawaiians appears in this chapter. The issue is old. It is set forth in the petitions by Native Hawaiian commoners to the king in 1845 set forth in Exhibits 16 to 18. Title III native Hawaiian view is expressed in Exhibit 19, the view of the government. The grief to be forthcoming and to be suffered is expressed in Exhibit 20, the reply of the Native Hawaiian commoners.

The relating of historical facts from pages 133 to 138 is adequate.

The Problem of Non-Alienation Clause, Pages 138-140

Strong and unequivocal objection is expressed to the views expressed on pages 138 to 140, and following pages. The very provisions considered objectionable is considered to be the substantive merit of the Hawaiian Homes Commission Act. The Native Hawaiian Trust Task Force supports the non-alienation clause in Section 208(5). The very reason the Hawaiian Homes program could be considered and is in fact in existent is because of the inability to alienate the Crown lands, see Liliuokalani v. United States, 45 Ct. Cl. 418 (1910).

The effort of Minority Volume II to make a case for alienation by pointing out the shortcoming of the Hawaiian Home lands program is without merit. The problem is not with the alienability but the lack of interest of government officials to comply with the requirements of trust obligations.

Precludes Private Financing, Pages 139-140

This section is an effort to develop a case for alienation. The problem with the government housing program as administered is the lack of commitment to do what the State agreed to do in its compact with the United States under Section 4 of the Admission Act.

The negative caricature pointed out by the Minority commissioners at page 140 in the third, fourth and fifth paragraphs only points out the inability of such commissioners to understand and to develop programs for the best interest of Title I Native Hawaiians rather than a program for the class they are members of or is identified with.

Loans Limited, Page 140

To this section should be added the refusal of the Hawaiian Home lands commissioners to uphold their trust obligations.

Replacement Home Humiliation, Page 141

The Minority commissioners in its Volume II at page 141 demonstrates their bias and insénsitivity. What said commissioners fail to realize and comprehend when they point out the "makeshift structures of the early years..." at paragraph 2, page 141 is the real pioneering spirit of these early true homesteaders. These early homesteaders went out onto raw lands, without funds or savings, and hewed out homes from available construction materials. The positive result of such pioneering homesteaders is a matter of public record, such as Lieutenant Governor of the State of Hawaii, John Waihee, is a product of Hawaiian Homestead.

The statement in the third paragraph at page 141 regarding forced abandonment and reawarding of the leasehold is false.

This section continues the case for alienation.

The Problem Of The Farm And Ranch Programs
Pages 141-142

This section attempts to develop a case for expanding the program for houselots, and therefore the housing industry.

Unknown to the Minority commissioners, and due to fact they may wish not to know, there has emerged a fundamental demographic shift and migration pattern for the first time in historic times in Hawaii. Today there is a movement of young men and women to go into farming and ranching. The problem has been the failure to anticipate such basic changes, that is to begin to allocate resources for such new but yet old programs.

The migration pattern as shown by the 1980 census shows a definitive move away from the city of Honolulu to rural areas. Also, a move away from Oahu to the lesser developed and populated "Neighbor Islands". The Majority Volume I at page 44, right column, third paragraph touches upon the pattern but clearly the analyst had not examined the detailed reports.

Loan Capitalization, Page 142

This section again attempts to develop a case for alienation, and in the process fails to set forth the differences between Title I and Title III native Hawaiians.

Speculation Is The Nemesis Of The Program, Page 143

This section sets forth the "game" those who wish to alienate the trust lands in fact do, that is to deal with trust lands as a commodity. In the end, only the speculators can profit and the program will collapse in financial ruin.

Right To Name A Successor, Pages 143-144

This section seeks to make a case for successorship to a leasehold who is less than 50 percent blood Hawaiian. The Native Hawaiian Land Trust Task Force supports the program as exists at present and retain the successorship for qualified lessees only.

It is imperative to note that all applicants are informed that if their children is less than 50 percent blood Hawaiian, they cannot succeed to the leasehold as shown on the information sheet for "Hawaiian Home Lands Application". At page 3, paragraph 4 appears the following:

> "If you are the only member of your immediate family who is of half Hawaiian ancestry, please note that a successor must be half Hawaiian, therefore your children may not qualify as beneficiaries."

This section therefore attempts to make a case for lessees who have knowingly undertaken to become lessees to the exclusion of others, and having become lessees now attempts to change the law so that others who have been excluded shall be further excluded, including their respective qualified successors.

The "problem" cited at the second paragraph, page 144, is not a problem but utter failure to properly manage a program to rehabilitate a specific group of people for specified time.

The Problem Of The 50% Blood Quantum Requirement To Qualify, Pages 144-146

The "problem" of blood quantum is not a problem except for those who perceives it to be a problem. Neither is the program limited for entry to 50 percent blood then relaxed for successors as stated on page 146, lines 16-18.

The blood quantum limit was set at 50 percent because the program was for Native Hawaiians and that a blood quantum of 1/32 is in fact a white person as noted at page 15, lines 2-4.

Response To Chapter 8

The Native Hawaiians, Pages 148-153

This chapter illustrates how Title I Native Hawaiian data is used to advance the interests of Title III native Hawaiian interests.

Using the data from the Native Hawaiian Educational Assessment Project which is included by reference at page 150, 22-27, we find that there is significant difference between Title I Native Hawaiians and Title III native Hawaiians. The lower blood quantum Hawaiians tend to be closer and practically the same as the profile of the general public. The higher blood quantum Hawaiians tends to be significantly different. The combining of higher and lower blood quantum data tends to cover and mask the differences—lowering the rates for higher blood quantum and raising the rates for lower blood quantum. Thus, the statistical profile as interpreted on pages 148 to 151 may be corrected to be the following based on the Native Hawaiian Educational Assessment Project report:

Death Rates, Etc.

Hawaiian (100% blood) death rates are significantly higher than those of part Hawaiians. Native Hawaiian Educational Assessment Project, Final Report, page 43, figure 27, hereinafter identified only by page number, etc.

Artereosclerotic heart disease rates are also higher for Hawaiians (100%), page 43, figure 28. Significant cultural factors underlie the higher Hawaiian (100% blood) rates, page 59. The combining of Hawaiian (100% blood) and part-Hawaiian statistics tends to raise the rates of part-Hawaiians, page 44.

Poverty

Hawaiians (100% blood) have higher poverty rates than part-Hawaiians, Page 26, figure 24.

Employment

Hawaiians (100% blood) have lesser rates of people employed in the professions, Page 30, Table 13. Hawaiians (100% blood) have higher percentage in the laboring classes than part-Hawaiians, Page 32, Table 15. Hawaiians (100% blood) have lesser percentages of government employment which require passage of civil service examinations, Page 32, Table 16. Hawaiians (100% blood) have lesser percentages in management positions than part-Hawaiians, Page 85-86.

Incarceration

The number of incarcerated in the Youth Correctional Facility as well as in the adult facility do not provide a basis for analysis based on the data at page 25 because the number for Hawaiians (100% blood) is too small at the Youth Correctional Facility, Page 25, Table 45, and both groups are combined in case of the adult facility at Table 44. It is generally known in Hawaii that the higher blood quantum Hawaiians predominate as inmates.

Treatment For Mental Illness

The data at page 72 is not sufficient to compute rates, but commentary by researchers noted on page 72 indicate higher rates for higher blood quantum Hawaiians.

Self Image

There has been and still is a tendency to degrade Hawaiian ancestral lines, Pages 159-160. Hawaiians have bad stereotype, Page 168. There has been a tendency to downplay non-Hawaiian ancentry in recent years, but only because it has been to the interest of those who do, Page 153. Federal moneys which have become available since 1974 provide great inducement.

Education

Hawaiian (100% blood) have lower median educational attainment than part-Hawaiians, Page 38, Table 21.

Income

The median income for Hawaiians (100% blood) is lower than that for part-Hawaiians, Page 38, Table 21.

Leadership Position

Leadership position attainment is directly related to blood quantum. The higher the blood quantum, the lower the leadership position, and the converse of lower blood quantum, Pages 82-83.

Recommendation, Pages 151-153

The Minority Volume II in recommending changes in the definition of "native Hawaiian" has presented a "selective and often misleading" (see page its page ix, lines 18-19) information to make its case to the detriment of those affected by such changes, that is, Title I Native Hawaiians of 50% plus blood. The Native Hawaiian Land Trust Task Force disagree with the Minority Native Hawaiian Study Commission Volume II and recommends no change in the definition of "Native Hawaiian" as set forth in Title I of Public Law 96-565 which follows the Hawaiian Homes Commission Act definition. The history of the definition is as follows:

Hawaiian Homes Commission Act Definition

The definition of "Native Hawaiian" as set forth in Section 201(7) of the Hawaiian Homes Commission Act, 1920 (Act of July 9, 1921, 42 Stat 108): "(7) The term "native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778," is the result of critical public discussions in Washington, D.C. and in Hawaii.

In testifying on H.R. 7257 of the 67th Congress, First Session on June 9, 1921 entitled "Rehabilitation and Colonization of Hawaiians and Other Proposed Amendments to the Organic Act of the Territory of Hawaii," Mr. Harry Irwin, Attorney General of Hawaii gave the immediate background of the change as follows:

> "Mr. Irwin. Gentlemen, turning to the second page of the typewritten bill, you will find that the paragraph number 7 reads as follows:
>
> The term "native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.
>
> In the bill as it passed the House last year that read: "Not less than one-thirty-second part." That particular provision was the cause of a good deal of opposition on the part of the opponents of the bill, and in order to meet that opposition, and perhaps do away with some of the opposition, the legislature decided to amend that to read, "not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778," so as to make the proposition more distinctly a Hawaiian rehabilitation scheme. It was said by the opponents of the bill that a person of one-thirty-second Hawaiian blood was to all intents and purposes a white person; that as a matter of fact you could not tell the difference between a person having one-thirty-second part of Hawaiian blood from a white person. So in order to meet that objection this change is suggested and the provisions of the bill are confined to those with not less than one-half Hawaiian blood."
> U.S. Congress, "Hearing Before Committee on the Territory, House of Representatives, 67th Congress, 1st Session on H.R. 7257, Rehabilitation and Colonization of Hawaiians and other Proposed Amendments to the Organic Act of the Territory of Hawaii" June 9 and 10, 1921, pp 14-15.

The companion bill to H.R. 7257 was S. 1881 in the Senate. Congress enacted into law S. 1881 on July 9, 1921. House Report No. 236 accompanying S. 1881 is attached as Exhibit 25.

The Hawaiian Homes Commission Act began as a Territory of Hawaii Senate Concurrent Resolution No. 2 to establish a homesteading program for "...associations, settlements or individuals of Hawaiian blood in whole or in part." After adoption of this Resolution, Senator John H. Wise who introduced the said resolution obtained the services of the Department of the Interior to draft a bill for introduction in Congress. This draft bill was further redrafted and introduced as H.R. 12683 by Delegate J. Kuhio Kalanianaole on February 21, 1920 during the 66th Congress Second Session. Its companion bill in the Senate was 3971. No minimal blood quantum was specified in these bills in conformance to Concurrent Resolution No. 2.

A new bill was introduced within a few weeks as H.R. 13500 on April 18, 1920 by Delegate Kalanianaole with a minimal blood quantum of 1/32. This bill passed the House of Representatives on May 22, 1920, but encountered objections in the Senate as including in a rehabilitation program for Native Hawaiians persons who were in fact white as noted above. The Senate preferred to include in the program only pure Hawaiians. The Territorial Legislature took into account the objections in the Senate and approved a new bill introduced as H.R. 7257 and S. 1881 as noted above.

P.L. 96-565, Title III, No Minimal Blood Definition

The recommendation to lower the blood quantum from 50% plus blood to minimal blood quantum began in 1974 when the Native American Programs Act of 1974 was amended to include Native Hawaiians within the said Act.

Congresswoman Patsy Mink offered the amendment on May 29, 1974 and tied to the definition of Native Hawaiian as in the Hawaiian Homes Commission Act as set forth in Exhibit 2, page 16772, center column, at the eight paragraph. Congressman Spark M. Matsunaga, today a Senator, supported the amendment.

The amendment passed the House, but in the Senate it was amended by Senator Hiram Fong to serve two purposes:

> "First. It defines a Hawaiian in a manner commonly accepted by the Hawaiians.
>
> Second. It treats the Hawaiian the same as an American Indian and Native Alaskan."

The amendment by Senator Fong to the House definition of Native Hawaiian defined the term as follows:

> "The term "Native Hawaiian" means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778."

Senator Fong's amendment was enacted into law. The legislative history in the Senate is set forth in the Congressional Record for June 25, 1974 attached as Exhibit 27.

Native Hawaiian Study Commission commissioner Rodger Betts stated at the Hearing of the Commission on January 15, 1982 at Kapalama School in Honolulu in response to testimony by Mitsuo Uyehara for the Native Hawaiian Land Trust Task Force that he, as an aide for Senator Fong received instructions from the State of Hawaii Attorney General's office that the definition had to be changed for a program.

The program shifted to the 1978 Constitutional Convention of the State of Hawaii to commence the first step to change the definition of the Hawaiian Homes Commission Act as set forth in Minority Volume II at page 153, paragraph 3, and then to present the adoption by the State to Congress as set forth in Volume II at said page 153.

On February 13, 1980, the chair of the Native Hawaiian Study Commission, Kinau Boyd Kamalii introduced House Resolution No. 200 while she was a member of the House of Representatives, to change the Hawaiian Homes Commission Act definition of Native Hawaiian. The resolution was not adopted. H.R. No. 200 is attached hereto as Exhibit 28.

The following year, on March 11, 1981, the above said Commissioner, Kinau Boyd Kamalii again introduced another resolution, H.R. No. 377 to lower the Native Hawaii blood quantum. Said resolution is attached as Exhibit 29. Said H.R. No. 377 did pass the House of Representatives of the State of Hawaii, but not the Senate. It was forwarded to Congress and recorded in the Congressional Record for May 21, 1981 as House Memorial No. 91, at H 2426, and in the Senate on June 8, 1981 at S 5862-S5863 whereon the entire H.R. No. 377 is reprinted. Statement by Senator Thurmond that the Hawaii State Legislature passed the resolution is in error. Only the House passed it. The companion Concurrent Resolution failed in the Senate.

In 1984, the State of Hawaii enacted a provision to enable a successor to a lessee of Hawaiian Homestead even though such successor is not of 50% plus blood, i.e. of 25% blood quantum. Such Act has been forwarded to Congress for approval. The Native Hawaiian Land Trust Task Force opposes this effort to circumvent the expressed provision of the Hawaiian Homes Commission Act. Qualified applicants who outnumber lessees by two to one would be denied the present right to a leasehold. This would in fact be to breach such applicant's vested right to a leasehold!

Socio-Historic Background On Lesser Blood

The Minority Volume II statement of a unified Hawaiian community of all blood quantum set forth at pages 152-153 is in error. The actions by the Minority commissioners at pages 152-153 were forseen in 1845 by Native Hawaiians.

In Exhibits 16, 17 and 18 Native Hawaiian petitioners pleaded with the King not to have foreigners in the government nor to sell land to them. The King refused to heed the pleas. The common people replied that we will all be sorry and suffer the consequences, such as the position expressed by the lesser bloods as they were the real Native Hawaiians. Exhibit 20, lines 8-10.

Historically, under the Kingdom of Hawaii, persons who were not of pure blood were not considered "native" in the census. Such persons were uniformly classified as "half-caste" or "quarter-caste".

In the census of 1849, the period of the Great Mahele, "half-castes" were classified as foreigners. Half-castes numbered 471 out of the 1787 foreigners or 26.4 percent. This classification is not wholly an anomolous phenomena. As an example, the Oahu Charity School was established to educate such half-caste children using English as the instructional language. Its opening on January 10, 1833 was the first school using English in the Pacific. Many children from California and Oregon were educated in this school.

It was not until the abrogation of the monarchy that the Minority commissioners were freed of the aspersious term of "half-caste" or "quarter-caste" and instead to be identified as "part-Hawaiian" as noted in the Report of the General Superintendant of the Census for 1896 by the Department of Public Instructions at page 33.

CHAPTER IV

TESTIMONIES BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS

Testimony By G. Analika Nahulu Victor
Re: Native Hawaiian Declaration On Occupation, Use And Control Over Hawaiian Archipelago

G. Analika Nahulu Victor from Nanakuli is a trustee of Ho'ala Kanawai, Inc. whose concerns are the two Admission Act Land Trusts. She sets forth the Native Declaration and Claims over the Hawaiian Archipelago—Native Hawaiians are the traditional, rightful, legal occupants and users of the resources of the Hawaiian Archipelago, and to protect the Hawaiian Homes Commission Act and the Admission Act Section 5(f) Land Trusts as set forth in Exhibit 30.

Testimony By Puanani Kealoha
Re: Native Hawaiian Needs And Concerns

Puanani Kealoha grew up on the Hawaiian Homesteads and on military installations throughout the world as a military dependant. "After much thought, fact-finding research and prayer, I have been prompted to write this paper, with hopes that it will help you, in working with us to resolve these problems as quickly as deemed necessary." She cites the immediate remedies to be: 1. We need money. 2. Education. 3. Guidance and Protection as set forth in Exhibit 31.

Testimony By Maunalaha Valley Community Association
Re: Needs And Concerns Of Maunalaha, Honolulu Native Hawaiians

The Native Hawaiians of Maunalaha Valley have lived in the valley since time immemorial by direct descent. For the first time in its history, the residents have been forced to execute a lease for a term of 65 years. They are fearful that they would be evicted at the end of the term. They want to remain in their homes as they have always been as set forth in Exhibit 32.

Testimony By Marie Kekahililaulani Olsen
Re: Minority Volume II Effort To Change Native Hawaiian Definition

Marie Kekahililaulani Olsen is a child of one of the first pioneers who developed the Nanakuli Homesteads. She is today a homesteader in said Nanakuli Hawaiian Homestead, and still struggling with the problems in building a community. Today, the problems are human and social problems: In 1968 Nanakuli Hawaiian Homestead was the situs for dissolution of the Hawaiian Homestead Program. The effort failed. Today the effort is being done through lowering the blood quantum. As the Minority Volume II Report states, blood quantum divides the community. But Mrs. Olsen has never heard of families being divided on the issue of blood quantum. If a family breaks down, it is for other reasons. Not because of the blood quantum issue. The Hawaiian Homes Commission Act definition of 50% plus blood Hawaiian must not be changed. Written testimony is Exhibit 33.

Testimony of Winona A. Freitas
Re: Native Hawaiian Study Commission Treatment Of Hawaiian Homestead Issues With Recommendations

Winona A. Freitas is a Hawaiian Homesteader at the Papakolea Hawaiian Homestead in Honolulu. Her testimony attached hereto as Exhibit 34 is a Papakolea Community Association official testimony. The Papakolea Community Association is concerned about the issue of successorship and requests a moratorium on eviction of nonqualified spouces from a homestead.

Also of concern is the 30% sugar receipts which is said to be manipulated against the interest of homesteaders. They request that no action be taken on changes or amendments to the Hawaiian Homes Commission Act, and similarly no action be taken on land exhanges.

The association opposes changes in the definition of Native Hawaiian in the Hawaiian Homes Commission Act.

Testimony By Kenneth Smalley
Re: The Call Of Legitimacy And Tradition

Kenneth Smalley of Haleiwa presents a major contribution to leading toward understanding the Native Hawaiian cultural tradition underpinning the Hawaiian community, that of the bond of reciprocal trust which exists between chiefs and commoners. The traditional relationship still persists as set forth in Exhibit 2 at pages 12-16 relating to the memorial services in honor of Keopuolani. "The Call of Legitimacy and Tradition" is Exhibit 10

SUMMARY

After reviewing the two volumes of the Native Study Commission, the Native Hawaiian Land Trust Task Force finds that the Majority Volume I presents a fair account of the culture, needs and concerns of the Native Hawaiian given the contraints of time and resources available to the commission.

The Native Hawaiian Land Trust Task Force has pointed out some of the inadequacies in this Response. The most important is the failure to understand and set forth the reciprocal relationship of trust between the commoners and the chiefs which underpinned the native Hawaiian culture, the failure to conform to such trust in the latter days of the kingdom, and the needs and concerns resulting therefrom to Native Hawaiians of higher blood quantum. These inadequacies can be remedied by the inclusion of the Native Hawaiian Land Trust Task Force Reports noted above.

The Minority Volume II Report represent a biased report designed to enable Title III Native Hawaiian in Public Law 96-565 of lesser Hawaiian blood to take over the identity and resources of the higher blood Title III Native Hawaiians as defined in Public Law 96-565. Minority Title III Report is a manifestation of a prophetic statement made by Native Hawaiian petitioners from Kona on the island of Hawaii in August, 1845—that to enable foreigners to become government officials and to obtain land would cause Native Hawaiians to suffer: "...we are positive of the troubles that are sure to come to your government, to ourselves even to the first and third generations after us...." Exhibit 20, lines 8-10.

RECOMMENDATIONS

In due consideration of the above, the Native Hawaiian Land Trust Task Force recommends the following:

1. The retension of the definition of Native Hawaiian as in the Hawaiian Homes Commission Act reading as follows:

> "...Native Hawaiian means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778...."

2. That the Congress and the United States of America recognize Native Hawaiians of 50% plus Hawaiian blood as the

traditional, rightful, legal occupants of the Hawaiian Archipelago who have inhabited, occupied, and exercised their traditional rights in this archipelago since time immemorial.

3. That the Native Hawaiian Land Trust Task Force and its successor be the accredited organization to speak on Native Hawaiian (50% plus Hawaiian blood) issues and problems.

4. And that adequate, direct and indirect, funding be provided to support the development of the Native Hawaiian (50% plus Hawaiian blood) community.

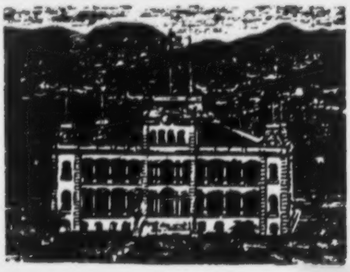
1. Native Hawaiian FEDERAL-STATE TASK FORCE Source Materials.

Native Hawaiian

FEDERAL-STATE TASK FORCE

Source Materials

We therefore suggest the initiation of a State-Federal task force which, with the input of the Native Hawaiian Community and the general public, would examine the DHHL requirements, investigate alternative funding methods, and promote Native initiatives regarding improvements.



U.S. DEPARTMENT OF THE INTERIOR
MARCH 3, 1849

STATE OF HAWAII
1959
UA MAU KE EA O KA AINA I KA PONO

Compiled and Edited by

Mitsuo Uyehara

Published by
NATIVE HAWAIIAN LAND TRUST TASK FORCE
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NATIVE HAWAIIAN LAND TRUST TASK FORCE
1021 University Avenue, Room 2
Honolulu, Hawaii, 96826
Tel. No. 946-4351, 524-1003
May 26, 1981

ALOHA,

The NATIVE HAWAIIAN LAND TRUST TASK FORCE has been organised on Sunday, May 24, 1981. The purpose of the task force is to ensure the full implementation of the Section 5(f) and the Hawaiian Homes Commission Act, 1920 land trusts for native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920 (i.e. 50% plus blood Hawaiian).

The basis for organising the Native Hawaiian Land Trust Task Force is the December 3, 1980 letter from the Secretary of the Interior, Cecil D. Andrus to Governor George R. Ariyoshi. This letter provides for input from the native Hawaiian community to a joint State-Federal task force on the Hawaiian Home Lands Program, etc. to "examine the DHHL requirement, investigate alternative funding methods, and promote Native initiatives regarding improvements."

The Secretary of the Interior wrote the above letter in response to a Complaint filed in the United States District Court for the District of Columbia on October 31, 1980 by 12 native Hawaiians, Hou Hawaiians and Ahahui Ohana Moku Anuenue against the Department of Justice, Benjamin R. Civiletti, and the United States of America. The status of the case is that if no meaningful action is taken by the State of Hawaii to implement the land trust for native Hawaiians by June 30, 1981, the State would be force to initiate or implement changes through a Court order in a breach of trust action to be filed in Washington, D.C.

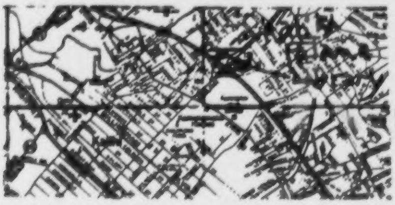
On Saturday, May 30, 1981, the first meeting of the Native Hawaiian Land Trust Task Force shall be held in Honolulu at the KALIHI-PALAMA LIBRARY meeting room at 1325 Kalihi Street, Honolulu, Hawaii, 96819, Telephone No. 845-3493, 847-4336. The library is on Kalihi Street beside the Bishop Museum. The time is between 9:00 to 4:30. The general purpose is to develop native Hawaiian input into the State-Federal task force.

The Native Hawaiian Land Trust Task Force wishes to have your organisation's participation and membership in the said task force. For further information, kindly call or write to statewide coordinators, Mitsuo Uyehara, 1021 University Avenue, Room 2, Honolulu, Hawaii, 96826; or Melvin Hoomanawanui, 512 Liliha Place, Honolulu, Hawaii, 96817, Telephone No. 524-1003.

In Honolulu, ground transportation will be provided for neighbor island people from the airport to the library. We are sorry but we have no funds, at present, to pay for your air transportation fare. Lunch will be provided.

We are looking forward to having your presence in joining with us in the sharing of the needs and concerns of native Hawaiians. It is of utmost importance that we meet and talk and plan the destiny for native Hawaiians, our children, and all the unborn to come.

This calling will bring together all of us throughout Hawaii Nei and in unity move to implement our desires, wishes, and dreams.



Sincerely yours,

Coordinators
NATIVE HAWAIIAN LAND TRUST TASK FORCE

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 0 6 [illegible]

DEC 3 1980

Honorable George Ariyoshi
Governor of Hawaii
State Capital
Executive Chambers
Honolulu, HI 96813

Dear Governor Ariyoshi:

I am writing you today with reference to the obligations of the Department and of the State of Hawaii under the Hawaiian Homes Commission Act (HHCA). It appears that over the last two decades this Department and the State have either neglected or misinterpreted many of their responsibilities under the HHCA. The United States has intervened in two recent court actions brought by Native Hawaiians against the Department of Hawaiian Home Lands. I do not believe that the best interests of the State, the Federal government or the Native Hawaiians are served by continued piecemeal litigation. The purpose of this letter therefore, is to identify those areas where we believe problems exist and to propose a comprehensive administrative process to resolve those problems.

Under Section 5(b) of the Hawaii Admission Act, 73 Stat. 5, the United States transferred to the State of Hawaii the Hawaiian home lands (HHCA lands) which had been set aside for the benefit and rehabilitation of Native Hawaiians in the Hawaiian Homes Commission Act of 1920, 42 Stat. 108, now codified as Hawaii Revised Statutes §201 et seq. Under Section 5(f) of the Hawaii Admission Act, the HHCA lands, as well as the proceeds and income therefrom, are to be held by the State in trust for Native Hawaiians and administered in accordance with the Hawaiian Homes Commission Act of 1920. Use of the home lands for any other object "shall constitute a breach of trust for which suit may be brought by the United States." Hawaii Admission Act §5(f).

In 1975, the Keaukaha-Panaewa Community Association brought suit in federal district court against the Hawaiian Homes Commission and other state and county officials to enjoin the use by the Waiakea-Uka Flood Control Project of approximately 20 acres of HHCA lands in the Panaewa district. The lands involved were to be exchanged for public lands elsewhere. The District Court held in Keaukaha-Panaewa Community Association v. Hawaiian Homes Commission, Civil No. 75-0260 (D. Haw. 1975), that the State of Hawaii and its agencies may not lawfully permit HHCA lands to be used for the benefit of persons who are not beneficiaries under the HHCA without first obtaining reasonable compensation for such use (when otherwise permissible) based upon sound economic and accounting principles. Conclusion of Law 5. More specifically, the court held that Section 204(4) of the HHCA permits exchanges of HHCA lands only when: (a) the DHHL makes a finding that the land exchange would either: (1) consolidate

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-2-

the land holdings of the DHHL, or (2) better effectuate the purposes of the HHCA; (b) the DHHL acquires public lands of equal value in exchange prior to allowing the use of HCCA lands for other purposes; and (c) the DHHL obtains the approval of both the Governor of Hawaii and the Secretary of the Interior for the exchange. Conclusion of Law 7. The court then granted an injunction prohibiting any further use of the disputed lands by the Waiakea-Uka Flood Control Project.

The case was appealed. The Ninth Circuit Court of Appeals reversed the District Court on jurisdictional grounds, holding that neither the HHCA nor the Hawaii Statehood Act created an individual cause of action in federal court for breach of trust. Keaukaha-Panaewa Community Association v. Hawaiian Homes Commission, 588 F.2d 1216 (9th Cir. 1979). The Ninth Circuit relied heavily on the fact that Section 5(f) of the Hawaii Admission Act expressly grants to the United States the right to enforce the State's obligation by a breach of trust suit. The United States intervened in the Keaukaha case on remand and the matter is now under advisement.

On March 17, 1980, this Department and the Department of Justice were contacted by counsel for a number of Native Hawaiian groups and individuals alleging widespread violations of the HHCA by the DHHL and the State of Hawaii. Because of the Keaukaha case and the March 17th request, we have undertaken a comprehensive review of the operation of the HHCA and conclude that serious violations of a number of aspects of the Act have occurred. It is our hope that these violations can be remedied without further resort to litigation. The Office of the Assistant Secretary, Indian Affairs will coordinate the performance of the administrative responsibilities of the Department of the Interior in relation to the program. The remainder of this letter discusses those areas in which we believe violations have occurred and outlines our proposal for the administrative solution of those violations.

Exchanges of HHCA lands:

Section 204(4) of the Hawaii Revised Statutes provides that:

> The Department of Hawaiian Home Lands may, with the approval of the Governor and the Secretary of the Interior, in order to consolidate its holdings or to better effectuate the purposes of this Act, exchange the title to available lands for land publicly owned of an equal value . . . No such exchange shall be made without the approval of two-thirds of the members of the board of land and natural resources

It is clear from the face of the statute that all land exchanges require the approval of both the Governor of Hawaii and the Secretary of the Interior. Departmental records indicate that only five exchange deeds have been submitted for approval and approved by this Department since Hawaiian statehood. The last such approval occurred on March 16, 1967. We view all exchanges which have not been approved by the Secretary to be invalid. We have no information on whether any exchanges have been reviewed or approved by the Governor. Under the holding of the District Court in *Keaukaha*, all such exchanges would be invalid.

The exchange authority requires that lands of equal value be acquired for the HHCA-lands taken. The District Court in *Keaukaha* found that over 1700 acres of HHCA lands were awaiting replacement lands through the land exchange process. Some lands surrendered in 1962 had still not been replaced. Finding of Fact 32. The court also found that the state defendants had not determined what state lands were available from the Department of Land and Natural Resources for exchange. Finding of Fact 33.

Finally, the exchange authority requires a finding that the particular exchange would "consolidate HHCA holdings or . . . better effectuate the purposes of the HHCA."

Quite obviously, serious violations of the exchange authority have occurred. Instead of litigation we propose the following administrative remedy:

(1) The State would submit all future land exchanges to the Secretary for approval. Under no circumstances would DHHL surrender HHCA lands for exchange or allow their use for non-HHCA purposes until the exchange has been approved and the exchange lands have actually been acquired for HHCA.

(2) In regards to the five approved exchanges, we request the location, acreage, legal description, value and use (both before and after the exchange) of the lands actually acquired for the HHCA as replacement lands. If lands have been designated for acquisition, but not yet acquired, the estimated date of acquisition should be given. If no lands have been designated that fact should be stated.

(3) In regards to all exchanges which have not received the approval of the Secretary, we request the following information:

(a) the location, acreage, legal description, value and use (both before and after the exchange) of all HHCA lands surrendered.

(b) for each parcel in (a) the location, acreage, legal description, value and use (both before and after the exchange) of the lands acquired for the HHCA. If lands have been designated for acquisition, but not yet acquired, the above information plus the estimated date of acquisition should be given. If no lands have been designated, that fact should be stated.

The Department, upon receipt of this information, would process the exchange proposals. In view of the fact that exchanges have occurred over a sizeable period of time, and substantial improvements may have been placed on the surrendered lands; we would not seek to enjoin non-HHCA use of the surrendered lands pending Departmental review. However, since these non-HHCA uses are in derogation of the rights of the beneficiaries of the HHCA, we can justify the continued non-HHCA use of those lands only if we are assured that close co-operation between the State and this Department will allow for the speedy processing of prior exchanges and the actual acquisition of replacement lands. At present there is no formal mechanism for the processing of exchanges. However, the Office of the Assistant Secretary for Indian Affairs will provide personnel to coordinate the processing program, and we invite the input of the State in setting up the program.

Executive Order Withdrawals

Between statehood and 1975, the State of Hawaii apparently transferred 16,863 acres of HHCA lands by executive order to other entities for use as public airports, schools, parks, forest and game reserves, rights-of-way and public services. *Opportunities for Native Hawaiians: Hawaiian Homelands. A summary of the proceedings of a public forum sponsored by the Hawaii Advisory Committee to the U.S. Commission on Civil Rights* p. 16 (hereafter Civil Rights Commission Report).

In 1975, the Attorney General of Hawaii issued an opinion stating that the Governor's power to set aside public lands by executive order does not extend to HHCA lands. Haw. Atty. Gen. Op. 75-3. It is our understanding that the uses designated in the 31 pre-1975 executive orders are still in effect. It is also our understanding that certain of the lands withdrawn are now being treated as if they were subject to HHCA general leases, but that other uses continue without producing any revenues for the HHCA program. The executive order lands have been the subject of legal actions in both state and federal court. In 1976, Hawaii Legal Aid brought the case of *Aki v. Beamer*, Civil No. 76-0144 (D. Haw) challenging the validity of the executive order setting aside Anahola Beach Park and the authority of the DHHL to issue a license to the County of Kauai for the maintenance of the Park. The United States intervened in that action at the same time that it intervened in *Keaukaha* on remand. We believe that the preferable course of action in relation to the executive order lands is to treat them in the same manner as past unapproved exchanges for which no replacement lands have been acquired or designated and therefore request the same information regarding the withdrawals which we requested in relation to the exchanges.

General Leasing

Hawaii Revised statutes §204(2) provides:

> (2) Any available land, including lands selected by the department out of a larger area, as provided by this Act, as may not be immediately needed for the purposes of this Act, may be returned to the Board of Land and Natural Resources and may be leased by it as provided in chapter 171, Hawaii Revised Statutes, or may be retained for management by the Department,
>
> • • •
>
> In the management of any retained available lands not required for leasing under Section 207(a), the department may dispose of such lands to the public, including native Hawaiians, on the same terms, conditions, restrictions and uses applicable to the disposition of public lands as provided in chapter 171 . .

According to the Hawaiian Home Lands Annual Report for Fiscal Year 1977-1978, p. 122, 12,552 acres of HHCA lands were under non-homestead lease, permit or license. At the same time only 25,148.292 acres had been leased to Native Hawaiians as homesteads and there was a waiting list of 5,769 applicants, many of whom had been on the waiting list for decades. Under these circumstances we do not believe that it can be said that all of the rental lands are not required for homestead leasing. Apparently the DHHL agrees. In testimony before the Hawaii State Advisory Committee, U.S. Commission on Civil Rights, August 27, 1979, DHHL Director Georgiana Padeken stated that the DHHL's policy is that "lands placed out for general auction (lease or licenses) must first be made available to Native Hawaiians". We would like a clarification of this policy and an analysis of its impact upon the program, specifically:

(1) Does the new policy mean that when the terms of existing general leases expire, the lands will not be released unless the lands are first made available to Native Hawaiians for homestead purposes?

(2) If question (1) is answered in the affirmative, we request the following information:

(a) the location, acreage and suitability for homestead purposes of all general leases and rental agreements which will expire within the next five years.

(b) the extent to which the expirations will allow DHHL to eliminate the waiting list or to lease out 20,000 acres for homestead leases within the next five years.

(c) areas in which the expirations will not eliminate the waiting list. It is our understanding that demand problems are much more serious on some islands than others.

(d) proposed standards for the early termination of general leases pursuant to Hawaii Revised Statutes §212 should natural termination of leases over the next five years be insufficient to meet the needs of the program.

According to the 1977-1978 Annual Report, total revenues from the 129,552 acres under non-homestead lease, permit or license were $1,172,192.16 or less than $10 per acre. As noted above, the District Court in Keaukaha held that the State of Hawaii and its agencies may not lawfully permit HHCA lands to be used for the benefit of persons who are not beneficiaries under the HHCA without first obtaining reasonable compensation for such use based upon sound economic and accounting principles. Conclusion of Law 5. While the Keaukaha holding refers to exchanges, its reasoning applies to leases as well. An annual rental of $10 per acre per year appears extremely low for lands in Hawaii and we therefore request information regarding the method of leasing and the adequacy of the rentals received.

Improvement Requirement

Hawaii Revised Statutes §207 provides that whenever tracts are available, the DHHL shall enter into a homestead lease with any Native applicant who, in the opinion of the DHHL, is qualified to perform the conditions of such lease. Among the conditions of leases prescribed in Hawaii Revised Statutes §208 are:

> (3) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one year after the lease is made . . .
>
> • • •
>
> (4) The lessee shall thereafter, for at least such part of each year as the Department shall by regulation prescribe, so occupy and use or cultivate the tract on his own behalf.

The DHHL therefore has the obligation to satisfy itself that applicants are in fact capable of occupying residential homesteads or using a farm or ranch homestead within a year of entering the lease.

The principle objectives of the HHCA are to place Native Hawaiians on the land, to prevent alienation of the leasehold, to provide adequate amounts of water for all tracts, and to aid Native Hawaiians to get farming operations well under way. H.R. Rep. No. 839, 66th Cong., 2d Sess., 7 (1920). The last three goals are really corollaries to the first goal of putting the Natives back on the land. The HHCA, like Public Domain Allotment Acts and Alaska Native Allotment Acts, seeks to provide rehabilitation, initiative and self-sufficiency to native peoples by putting them back on part of the land which they had lost when their traditional landholding systems were replaced by the public land laws.

Thus, the program must be largely evaluated on the basis of its success in putting Native Hawaiians back on the land. According to the 1977-1978 Annual Report, only 25,148.292 acres had been leased to Native Hawaiians as homesteads and there was a waiting list of 5,769 applicants, many of whom had been on the waiting list for decades. The administration by DHHL of the improvement and occupancy requirements appears to be a major factor in the long waiting lists.

Although never explicitly stated, it appears from the 1977-1978 Annual Report that the DHHL does not award residential leases to lands until a house has already has placed thereon. Further, Section 6.03 of the DHHL Regulations requires that all building structures or improvements meet building and zoning codes and other ordinances and regulations of the respective counties. 1/ Section 5.01 of the DHHL Regulations provides that homestead leases may be made only to applicants who are, in the opinion of the DHHL, in need of financial assistance.

The 1977-1978 Annual Report states that the funds available to DHHL are much too small to sustain a viable residential construction plan (Annual Report at 62). The lack of funds combined with a requirement of rather expensive standardized housing results in a "Catch 22" situation. Native Hawaiians with sufficient resources to finance standardized housing may not acquire leaseholds. Native Hawaiians who cannot afford standardized housing cannot get leases because of insufficient program funds.

1/ In 1972, the Attorney General of Hawaii held that HHCA-lands needed for the purposes of the Act are not subject to county zoning requirements.

We recognize the authority of DHHL to set priorities for the award of leaseholds and the need of the DHHL to make a determination that the lessee will be able to occupy or use the leasehold within one year. We can also appreciate that DHHL does not wish to create slums and shanty towns on the HHCA lands. However, we must question whether the improvement requirements as presently administered have been set in a manner which substantially frustrates the aims of the Act both by effectively guaranteeing that the bulk of HHCA lands will be used for non-HHCA purposes and by precluding the initiative on the part of Natives which the HHCA was designed to promote.

We therefore suggest the initiation of a State-Federal task force which, with the input of the Native Hawaiian Community and the general public, would examine the DHHL requirements, investigate alternative funding methods, and promote Native initiatives regarding improvements.

Missing Lands

There are allegations contained in the Civil Rights Commission Report at page 16 that approximately 203,000 acres were set aside by the 1920 Act, but that only approximately 190,000 acres are now considered HHCA lands. We understand that this discrepancy may be accounted for by Executive withdrawals made by the President before 1920, but request a clarification of the matter.

The HHCA has been the subject of much litigation in recent years. It is quite clear that numerous violations of the Act have occurred. Some of these violations were recognized by the Attorney General of Hawaii even before they were recognized by the courts. The District Court in Keaukaha held that this Department, as well as the State, had neglected many of its obligations under the Act. I believe that the State and Federal Government must cooperate to fulfill their respective obligations under the Act and to remedy past violations. I believe that you will agree that the administrative remedy is much preferable to continued litigation in this matter and look foward to working closely with the State to solve the problems discussed in this letter.

Sincerely,

Cecil D. Andrus

SECRETARY

EXECUTIVE CHAMBERS
HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

January 8, 1981

The Honorable Cecil Andrus
Secretary of the Interior
Washington, D.C.

Dear Cece:

I realize that as you face the formidable challenges of the last days of this Administration, and your very worthy objectives of achieving as much as is possible in the time remaining, you neither want, nor need, a lengthy rebuttal to the letter you sent me regarding the Hawaiian Homes Commission Act.

At the same time, I do not feel it can go unchallenged, and I want to offer a few comments now, and follow it with a more lengthy statement on facts and figures which is being prepared by the Department of Hawaiian Home Lands.

Basically, your letter to me contained several recurring and dominant positions.

One was that of legalities, in regard to the exchanges of lands.

Another was the large waiting list for "unused" lands.

And the third was the implication that somehow those of us in Hawaii either had little regard for, or understanding of, the program.

Briefly, permit me to cite a few facts.

In the six years of my Administration, more persons eligible for Hawaiian Home Lands have been placed on that land, and in new homes on that land, than in the previous 30 years combined.

This very significant accomplishment seems to have escaped the scrutiny in Washington.

On land exchanges, there have been a total of seven, all of which were approved by the then Secretary of the Interior. In fact, as a result of these exchanges, a net gain of 1,312 acres of additional lands were realized by the Department of Hawaiian Home Lands.

We have greatly increased farm awards to return Hawaiians to the land in a viable setting with a reasonable chance of success.

A great deal is made in your letter of the large waiting list of those seeking Hawaiian Home Lands while thousands of acres remain unused.

It should be noted that when homes and improved lands become available, we often have to dip deeply into the list to find those who want to exercise their previously-expressed desires. Many of those who are on the list, but who decline acceptance now, want to remain eligible in order to keep their options open for the future. But, as I think you can see, the number of those "seeking" HHL assistance is most misleading.

Also, the success of the Hawaiian Home Lands efforts has attracted millions of dollars in outside investments, which permit us to further the program. Certainly, as a Governor, and as Secretary of the Interior, you have seen a great number of programs worthy of support and of expansion, but for which there never seemed to be enough funding.

The Hawaiian Homes Commission Act was a pioneering effort to address the needs of a certain, and special, segment of American society. I feel it has been successfully operated, and sensitive both to the needs of those involved and to the legal mechanisms imposed.

Your letter to me has resulted in headlines in local newspapers such as "Scathing indictment by U.S. of Hawaiian Home Lands," etc.

Far from being apologetic for this program, I consider it, in all its aspects, to be a major accomplishment of this Administration. The perception in Washington may be entirely different from the majority opinion of those on the scene, but there is nothing unique in that.

At any rate, within the next few days, I will send to your office a detailed response to the many questions raised in your letter to me, but I did want you to get my initial impressions at this time.

The Honorable Cecil Andrus
Page 3
January 8, 1981

On a very personal note, I want you to know of my regard for you as a person and as a professional.

Your tenure as Secretary of the Interior has been an outstanding reflection of your abilities and your concerns, and you should leave office with a tremendous sense of accomplishment.

I think you already know that you have my very warmest Aloha, and my sincere hope that the vagaries of politics never will get in the way of our friendship.

With warm personal regards, I remain,

Youre very truly,

George R. Ariyoshi

George R. Ariyoshi

bcc: Hon. Georgiana Padeken

GEORGE R. ARIYOSHI
GOVERNOR

EXECUTIVE CHAMBERS
HONOLULU

January 12, 1981

The Honorable Cecil D. Andrus
Secretary of the Interior
U. S. Department of the Interior
Washington, D. C. 20240

Dear Cece:

As I mentioned in my January 8, 1981, letter to you regarding the Hawaiian Homes Commission question, we were preparing more detailed responses to specific points raised in your communication to me. These responses are contained in this letter, and I hope will answer many of the questions raised, and explain many of the other situations.

As Governor, I am the Chief Executive Officer of the State of Hawaii; and the Department of Hawaiian Homes Lands, headed by an executive board known as the Hawaiian Homes Commission, is an executive department of the State.

However, under the express provisions of Section 206 of the Hawaiian Homes Commission Act, my powers and duties do not extend over Hawaiian home lands.

As I mentioned in my previous letter there have been a total of seven land exchanges -- the five noted by you which occurred after Statehood, and two which occurred before Statehood -- all of which were approved by the then respective Secretaries of Interior.

All lands acquired by DHHL through these land exchanges are now under homestead leases or earmarked for homestead use except the 5,078 acres acquired in the last [illegible] in 1967. The 5,078 acres are presently general leased for pasture purposes.

While other lands, such as the lands involved in the Keaukaha case, have been earmarked for exchange, other than the seven land exchanges noted above, there have been no other land exchanges nor lands surrendered. While there may be lands utilized by other agencies, such use in no way suggests that such lands have been surrendered.

On executive order withdrawals, the information you cite is totally incorrect:

Since Statehood, slightly less than ten acres have been set aside by a Governor's executive order.

All other lands set aside occurred before Statehood, and while title to these lands, as well as power of disposition, belonged to the Federal Government.

Of these, approximately 1,343 acres are presently under use by the Federal Government.

These lands were set aside by Executive Order 382, on January 21, 1930, and Executive Order 599, on December 22, 1933.

These lands are located in Lualualei, on the Island of Oahu, and presently utilized by the Navy as part of a radio transmitting station, as well as an ammunition depot. We are in accord, in a State Attorney General's opinion rendered during my Administration, that the setting aside by governor's executive order is illegal and void and that such lands must be restored to the jurisdiction and control of DHHL immediately.

I am sure that the United States would agree, just as it did in the Aki vs. Beamer case, that such lands set aside by governor's executive order is illegal and void. Alternatively, that since 1933, DHHL is entitled to reasonable compensation for the occupancy and use of its Lualualei lands by the United States Navy. Your assistance in obtaining the early return of these lands, or compensation therefor, would be appreciated and definitely in keeping with our respective obligations that Hawaiian home lands be utilized by its native Hawaiians beneficiaries.

Since the rendition of Attorney General's Opinion 75-3, DHHL has sought to recover either the land or compensation for the use of the land from agencies utilizing Hawaiian home lands under executive orders.

In this connection, the State Attorney General's Office, in behalf of DHHL and the Hawaiian Homes Commission, has brought an action in the state courts against various airlines and state agencies utilizing 91.595 acres of Hawaiian home lands under an illegal executive order.

In Department of Hawaiian Home Lands, et al. v. Aloha Airlines, et al., Civil No. 6122, Third Circuit Court (Hilo), our local court has ruled that the setting aside of Hawaiian home lands by Governor's executive order is illegal and void. Two of the remaining major issues are whether DHHL is entitled to compensation for the use of such lands as well as the standard of compensation.

Before proceeding to discuss the concerns raised by you regarding general leasing by DHHL, I think it important to clarify an apparent misconception.

From the time of establishment of the Hawaiian homes program by Congress in 1921, the lands designated by Congress were to serve dual purposes. The primary purpose was to place native Hawaiians on the land, and its secondary purpose was to raise revenues sufficient for the Hawaiian Homes Commission to carry out its primary charge.

While Congress provided that 30% of the Territorial revenues from sugar cane leases and water licenses (30% monies) were to be a second source of funding the operation of the Hawaiian homes program, it continuously imposed limits on the aggregate amount to be received from this second source.

The initial ceiling was $1 million, and the final ceiling $5 million.

Further, while Congress originally permitted the funds from the 30% monies to be used for all purposes, Congress ultimately restricted the use to providing of loans to native Hawaiians and the development of lands for settlement purposes.

Congress required that 75% of the 30% monies (or $3.75 million) be used for loans to native Hawaiians and 25% of the 30% monies, not to exceed $800,000, be used for site development. Once the ceiling of $5 million was reached, the 30% monies were deposited to the treasury of the Territory.

Thus it would appear that the only real fund the Commission could count on to carry forth its program of rehabilitating native Hawaiians was the revenues derived from the general leasing of its lands.

Unfortunately, such was not the case. First, Congress gave to another branch of the Territorial government, the Commissioner of Public Lands, the authority to general lease Hawaiian home lands not immediately needed for homesteading purposes.

Secondly, Congress limited to 20,000 acres Hawaiian home lands which could be settled by native Hawaiians within any calendar five-year period (Section 204(3), HHCA).

Thirdly, the remainder of the lands were to be kept under temporary leases by the Commissioner of Public Lands until recalled by the Hawaiian Homes Commission in accordance with the procedure set forth in Sections 204(2) and 212, HHCA.

The notice period for recall of the lands was expressly set as being "not less than one nor more than five years," provided that such minimum period was set forth in the general lease.

Finally, Congress directed that the revenues derived from the general leasing of Hawaiian home lands be placed in only one fund, the administration account, limited its use to the payment of salaries and other administrative expenses, and finally limited the amount which could go into this fund by providing the ceiling as being the budget amount approved by the territorial legislature.

Any excess over the approved budget was to be deposited in the territorial treasury.

In 1965, the State legislature, believing that the State agency most responsible for carrying out the Hawaiian homes program would be better able to effectively manage its lands, empowered the DHHL to general lease its own lands.

Since 1965, DHHL has disposed of at least 100 general leases. The area covered under eight of these general leases totals 72,994 acres. One lease issued by the Department of Land and Natural Resources covers 14,907 acres of Hawaiian home lands.

These nine leases encompass a total of 87,901 acres, and generate approximately $303,330 a year in revenue, or an average of $3.45 per acre per year.

Certainly questions have been raised in the past and will continue to be raised in the future regarding the low rentals for these lands. However, the law requires that these lands be disposed of at public auction to the highest bidder, the upset rental to be determined by a disinterested appraiser.

In every disposition of a general lease by DHHL, every requirement of law has been followed. Each of the eight general leases disposed of by DHHL described above were disposed of for pasture purposes.

In conjunction with its efforts to better manage its lands, DHHL in 1976 adopted a General Plan listing its policies and objectives in the order of its priorities as follows:

1. Goal: Maximize HOUSING assistance for native Hawaiians.

   Objective: Program housing for 2,600 new families.

2. Goal: Allocate AGRICULTURAL LANDS to native Hawaiians.

   Objective: Allocate at least 40,000 additional acres for direct agricultural use by eligible Hawaiians; use all available techniques to maximize productivity of agricultural lands. (Note: the Hawaiian Homes Commission Act sets 20,000 acres as the limit which can be allocated within any five-year period.)

3. Goal: Reduce the acreage of LANDS USED FOR INCOME purposes.

   Objective: Reduce by at least 20,000 acres the lands presently under general lease and temporary use permit and make these lands available for direct use by native Hawaiians.

4. Goal: Maximize INCOME through more effective land management.

   Objective: Use only a small fraction of Hawaiian home lands to generate income for operating and administrative expenses.

Since the adoption of the General Plan, the implementation of the goals and objectives has been moving forward.

Lands totalling nearly a thousand acres designated for conversion from revenue producing purposes to homesteading purposes have, in fact, been converted and are presently under five new homestead leases.

Other lands designated for conversion to homesteading uses are presently being studied for residential, agricultural or ranching purposes. As these lands are converted to homesteading use, care is taken to ensure that the revenues lost thereby will be replaced.

The General Plan addresses this concern by providing that revenues be maximized, while minimizing the amount of lands used to generate such income. The General Plan suggests concentration of its general leasing program on commercial/industrial leases.

A good example of this is a recent disposition by DHHL of 39 acres for a shopping center. The lease presently provides for a base lease rent of $713,250 per year, plus a percentage participation of 9% in the gross annual occupancy rental received by the lessee. By this one disposition, DHHL has used only 39 acres to generate $173,250 per year, as compared to 87,901 acres which generate $303,330 per year.

I think it is important at this time also to clarify an apparent misconception regarding lands disposed of by general lease.

This misconception is evident in your letter.

Regardless of the natural expiration date contained in the general leases, DHHL has an absolute right reserved in every general lease issued by it to withdraw all or a portion of the lands covered under the general lease for homesteading purposes.

That is, DHHL can, upon giving proper notice to the general lessee, withdraw lands necessary for homesteading purposes.

DHHL has on many occasions exercised its withdrawal powers. For example, it has on three separate occasions withdrawn approximately 225 acres from a general lease in an area called Nanakuli. These lands have since been developed for residential use and more native Hawaiians have received homestead leases. Two increments of approximately 45 new homestead lots are under construction, or soon to be under construction. Similar withdrawals have been made from general leases in the Waianae area in order that additional residential homestead lots could be developed. Such withdrawals are not haphazardly made. Only after studies have been made, designs drawn and sufficient funds appropriated by the State legislature will the lands be withdrawn.

In response to your specific questions raised on pages 5 and 6 of your letter, permit me these comments.

I feel all of your questions are based on an erroneous conception of DHHL policy. At the time Ms. Padeken made the quoted statement, it was given in the context of the general leasing program for native Hawaiians, instead of the homesteading program.

Prior to November 7, 1978, native Hawaiians could participate in the public auction being held for the purpose of disposing of Hawaiian home lands under general lease. However, in these public auctions, native Hawaiians had little or no chance of being able to compete in the competitive bidding process, primarily because of their lack of financial resources.

The 1978 Hawaii Constitutional Convention held that native Hawaiians should be given an opportunity to compete in the economic community, and that native Hawaiians should be given a preference in the disposition of Hawaiian home lands under a general lease.

The 1978 Constitutional Convention proposed an amendment to Section 204(2) of the HHCA which would authorize DHHL to give such preference. The proposal was ratified by the voters November 7, 1978, and is now part of Section 204(2), HHCA.

It is in the context of this 1978 Constitutional Convention amendment that the statement of Ms. Padeken was made. Specifically, the statement was made regarding an economic rehabilitation program for native Hawaiians by the general leasing of Hawaiian home lands for business purposes, and not the homesteading program.

Permit me to assure you that lands, whether under general leases, licenses, or permits, will be converted to homesteading use by native Hawaiians as and when it is believed by the Commission that the homesteader will have a reasonable chance of success.

It is our hope that through better management of its lands, DHHL will be able to meet its goals and objectives and fulfill its responsibility of administering the Hawaiian home lands for the betterment of the conditions of native Hawaiians.

In your letter, an essential message is that the improvement requirements as presently administered by DHHL frustrate the purposes of the Act by "effectively guaranteeing that the bulk of HHCA lands will be used for non-HHCA purposes and by precluding the initiative on the part of Natives which the HHCA was designed to promote".

These requirements purportedly demand that:

1) No residential leases will be awarded until a house has already been placed thereon;

2) All building structures or improvements must meet building and zoning codes and other ordinances and regulations of the respective counties;

3) Residential homestead leases will only be made to applicants in need of financial assistance.

The first requirement, as stated, is totally incorrect. DHHL has no such requirement. In fact, as has been done in many past instances, DHHL is currently in the process of awarding thirty three lots in Keaukaha, Hawaii, which have absolutely no houses built on them.

The second requirement is not only extremely important, but necessary. Besides being designed to protect and insure the safety, health and welfare of the homesteaders, it makes possible services or resources which would otherwise be unavailable. Water, drainage, sewage collection and disposal must comply with the various ordinances in order to be accepted by and, more importantly, maintained by the respective counties.

Furthermore, telephone and electrical utility companies refuse to provide services in connecting their poles and lines to homestead dwellings unless county ordinances are met.

Failure to comply with such ordinances would make it difficult, if not impossible, for homesteaders to obtain fire or home insurance protection.

Finally, homesteaders would not be able to qualify for loans from the Federal Farmers Home Administration, the State Hawaii Housing Authority, or various private lending institutions, unless their houses conform to building codes.

The third requirement recognized the Congressional intent of the Act as well as a policy decision by the Hawaiian Homes Commission to make awards only to those native Hawaiians who truly need rehabilitation.

If a person is financially able to purchase a home in the open market, then that person should do so. Unfortunately there are many of Hawaiian extraction unable to do so. Since 1977, there never has been an applicant who was denied an award on this basis, or by the fact that he owned real property.

There appears little to substantiate your statement that improvement requirements have guaranteed that the bulk of HHCA lands will be used for non-HHCA purposes.

Requirements one and three are completely inapplicable, and requirement two, on the contrary, forms the basis for homesteaders being able to obtain leases by making it possible for them to qualify for both federal and state funds.

Without such funds, there would be a substantial reduction in the amount of residential leases awarded.

It is difficult to see the suggested correlation between DHHL improvement requirements, and the alleged preclusion of initiative by native Hawaiians, unless the definition of intiative in this case is the ability or financial capacity of Hawaiians to build their own homes.

If that is the case, I would have serious questions whether financially able persons of Hawaiian ancestry need rehabilitation as defined by the Act.

It is contrary to my thinking that the program was designed to insure that such persons be granted an award. To make such awards would not only circumvent the purposes of the Act, but would also result in the Commission bypassing applicants on the waiting lists who have been waiting for many years.

The Commission is of the opinion, and I think rightfully so, that such action would be in contravention of what Congress had intended to accomplish by passing the Act for the benefit, preservation, and rehabilitation of native Hawaiians unable to compete or coexist in a society of western laws and values.

On the so-called "missing lands," I think the time is appropriate to set the record straight regarding lands presently considered to be Hawaiian home lands.

While your understanding that this discrepancy may be accounted for by Executive withdrawals made by the President before 1920, such withdrawals had little to do with the loss of the lands.

I am aware of only four areas where, by Presidential Executive Order or Proclamation, lands were withdrawn for use by the United States prior to the passage of the Hawaiian Homes Commission Act of July 9, 1921. Those lands, acreage, and dates of action are:

Manakuli, Oahu	31.36 acres	Military Reservation	P.E.O. 2564	3/18/17
Waimanalo, Oahu		Military Reservation	P.E.O. 2565	dtd 3/28/17
Waimanalo, Oahu	9.82 acres	Makapuu Lighthouse	P.P. 1179	dtd 2/7/12
Kamaoa-Puueo, Hawaii	10.02 acres	Ka Lae Lighthouse	P.P. 830	dtd 12/4/08
Anahola, Kauai	4.52 acres	Kahala Lighthouse	P.P. 829	

However, as will be shown, these Presidential Proclamations, or Executive Orders, had very little, if anything, to do with the missing lands.

Some have attributed the loss of these lands through land exchanges. However, as has been noted before, as a result of the seven land exchanges, the DHHL has realized a net gain of 1,312 acres of additional Hawaiian home lands.

Some have attributed the loss of lands to Congressional withdrawals. It is true that Congress withdrew certain Hawaiian home lands and restored them to their former status as public lands under the control of the Territorial Commissioners of Public Lands.

The lands and dates withdrawn are listed as follows:

Hoolehua-Palaau	204.900 acres	1935 Molokai Airport
Hoolehua-Palaau	13.527 acres	1944 Adj-Molokai Airport
Keaukaha	53.389 acres	1944 General Lyman Airfield
Total Withdrawals	271.816 acres	

However, Congress also placed additional lands under the Hawaiian homes program. These lands and area are:

Keaukaha	16.470 acres	1937
Papakolea	133.200 acres	1934 (as amended in 1937 and 1952
Waiehu	12.456 acres	1948 (cane lands for residences
Anahola	401.423 acres	1548 (cane lands for residences
Total Additions	563.549 acres	

Thus, as a result of Congressional additions and withdrawals, a net gain of 291.733 acres additional lands was realized.

Clearly, neither the exchanges made by the Commission nor the withdrawals made by Congress can be said to be the cause of the missing lands.

Rather, the major causes for the alleged missing lands are the express exclusions contained in the HHCA, as well as lack of sufficient knowledge of the lands designated as "available lands" under Section 203 of the HHCA at the time of passage of the HHCA.

In Section 203, Congress provided in pertinent part as follows:

> "All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereafter referred to, as 'available lands':"

Additional exclusions relating to the lands of Waimanalo are provided in subsection (4) of Section 203, HHCA, which reads:

> "(4) On the island of Oahu: ...Waimanalo (four thousand acres, more or less), in the District of Koolaupoko, excepting therefrom the military reservation and the beach lands...."

As a result of the exclusion of lands in forest reserve, almost 10,000 acres were precluded from becoming Hawaiian home lands. The major areas and their respective acres are:

Nanakuli, Oahu	1,010	Forest Reserve
Kapaakea, Molokai	220	" "
Kamiloloa, Molokai	1,040	" "
Makakupaia, Molokai	1,144	" "
Anahola-Kamalomalo, Kauai	4,290	" "
Moloaa, Kauai	2,000 (approx.)	" "
	9,704	

However, because the affected *ahupuaa* were fairly large, the actual lands lost are approximately 7,500 acres.

As noted before, lack of sufficient knowledge of the lands designated as available lands was another major factor. For excmple, the HHCA designates 5,000 acres of the lands of Kalaupapa, Molokai, as available lands. However, the entire *ahupuaa* of Kalaupapa consists of only 1,247 acres, all of which are included in the Hawaiian home lands inventory. Thus, there never were 5,000 acres in Kalaupapa, although there was a "paper" loss of 3,753 acres. Also, the HHCA designated 25,000 acres in Kahikinui on the Island of Maui. However the entire *ahupuaa* of Kahikinui only contains a gross area of 22,890 acres. Excluding private lands, grants, and possible Land Commission Awards totalling approximately 254 acres, the net area which could possibly attain the status of Hawaiian home lands was 22,531.9 acres, realizing another "paper" loss of 2,468.1 acres.

There are other such examples but not of such large acreages, such as Nienie, Kamoku-Kapulena and Pauahi.

The exclusion of public lands under sugar-cane cultivation accounts for a loss of approximately 4,000 acres in the areas of Waimanalo and Lualualei on the Island of Oahu, and Anahola-Kamalomalo on the Island of Kauai.

However, as to the Anahola-Kamalomalo lands, the DHHL and Department of Land and Natural Resources have been attempting to resolve their differences regarding lands under sugar cultivation at the time of passage of the HHCA.

In this connection, it should be noted that the Anahola-Kamalomalo lands are the only lands affected by the forest reserve and sugar-cane cultivation exclusions. Both exclusions detrimentally impact on the acres of lands that could become Hawaiian home lands.

The Anahola-Kamalomalo *ahupuaa* contain a total land area of approximately 8,833 acres. By Governor's Proclamation dated June 21, 1920, a total of 4,290 acres of Anahola-Kamalomalo lands were set aside as part of the Kealia Forest Reserve, thereby leaving 4,543 acres which conceivably could have become Hawaiian home lands. By General Lease No. 775, dated February 26, 1912, the Commissioner of Public Lands leased to Makee Sugar Company, a net area of 3,235 acres of land, of which 1,111.59 acres were cane lands.

Subsequently, by General Lease No. 1494, dated August 11, 1923, the Commissioner of Public Lands leased to Makee Sugar Company, for a term of fifteen years, effective July 1, 1925, a net area of 3,868.95 acres classified as follows:

1)	Cane Land	956.42 acres
2)	Fallow Cane Land	380.05 acres
3)	Abandoned Cane Land	147.23 acres
4)	Pastoral Lands	1,712.95 acres
5)	Reservoirs and Reservoir Sites	33.51 acres
7)	Waste Land	638.79 acres
		3,868.95 acres

Thus, between the years 1912 and 1923, the lands under actual sugar-cane cultivation increased from 1,111.59 to 1,336.47 areas, or an increase of 224.88 acres. There is no conclusive evidence as to the actual lands under sugar-cane cultivation on July 9, 1921, the date of passage of the HHCA.

It is conceivable that the 147.23 acres of abandoned cane lands were under sugar-cane cultivation at the time of passage of the HHCA so that no more than 1,484 acres could be reasonably assumed to be under sugar-cane cultivation.

Also, since Congress could legislate only as to public lands, all private lands and government lands not falling within the meaning of public lands as defined in Section 73 of the Organic Act, totalling close to 100 acres, must be excluded from consideration as being Hawaiian home lands.

Remembering, too, that in 1943 Congress designated, by metes and bounds description, 401.423 acres of lands, consisting primarily of cane lands, as Hawaiian home lands. Summarizing, then

Anahola-Kamalomalo Gross Area			8,833 acres
Less:	Forest Reserve Lands	4,290.00	
	Sugar-cane Lands	1,484.00	
	Private Lands-LCA Grants	100.00	
Subtotal			2,959.00
Add:	1948 Congressional Addition		401.423
Total:	Hawaiian home lands		3,360.423 acres

Based on this, it is reasonable to conclude that the inventory of Hawaiian home lands in the Anahola-Kamalomalo area should be 3,360.42 acres instead of the 2,551.42 acres shown on DHHL's current land inventory. It is this very difference of 809 acres that DHHL is seeking to resolve with DLNR.

While it may appear that I may have dwelt unnecessarily on this matter, I believe it important, and therefore have stressed the impact that the express Congressional exclusions had on what lands eventually attained the status of Hawaiian home lands, and were placed under the jurisdiction of the Hawaiian Homes Commission to be used for the rehabilitation of the native Hawaiian.

While Congress may have designated 5,000 acres, more or less, as "available lands", by their own express exclusions, it prevented the acreage designated from ever being reached.

Other areas similarly affected were Moloaa, also on Kauai; Kapaakea, Kamiloloa and Makakupaia, on the Island of Molokai; Nanakuli on Oahu; and some areas on the Island of Hawaii.

To blame DHHL, or the Hawaiian Homes Commission, for the discrepancy in the 203,500 acres designated, and the current inventory of approximately 190,000 acres, would be totally unfair and at variance with the facts.

The discrepancy exists solely because of the reasons outlined.

I hope this letter clarifies, and counters, many misconceptions which we feel have led to several erroneous conclusions.

We hope, too, that these facts will result in a more accurate assessment of the State's role in carrying out the trust provisions of the Hawaii Admissions Act and the HHCA.

I am sure you will agree that to fully comprehend the problems that affect the HHCA requires more than a cursory review of the Act or any published annual report of the Department of Hawaiian Home Lands.

I reiterate my support for the establishment of the Federal-State task force to study every facet of the HHCA, to examine the DHHL requirements and the identify and pursue alternative funding methods. It is my hope that a joint endeavor of this nature will provide the impetus needed to accelerate the fulfillment of our goal to improve the conditions of native Hawaiians.

With warm personal regards, I remain,

Yours very truly,

George

George R. Ariyoshi

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAR 24 1981

Honorable George Ariyoshi
Governor of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Ariyoshi:

I am responding to your letters of January 8 and January 12, 1981, to former Secretary Andrus in response to his December 3, 1980, letter concerning administration of the Hawaiian Homes Commission Act (HHCA). I have, for the time being, referred the letters to the Office of the Solicitor, which will assist in reviewing the HHCA program. I appreciate your offer of cooperation in the formation of a Federal-State task force and would welcome any recommendations you may have as to its composition.

Your January 12 letter raised an issue that was not discussed in the December 3 letter: utilization by the U.S. Navy of HHCA lands set aside by Federal executive orders. You requested this Department's assistance in seeking the return of land set aside by Federal order and compensation for its use. I have asked the Solicitor's Office to contact the Department of the Navy for details on its use of HHCA lands. I wish to assure you that this Department will review allegations of uncompensated or otherwise illegal use of HHCA lands by Federal agencies in the same manner that we review allegations of uncompensated or otherwise illegal use by State agencies or private parties.

I anticipate that, in the course of our review of your letters, this Department will require clarification and substantially more detailed information as to some issues. In order to speed our inquiry, we ask that you designate appropriate officials to provide the information. The attorneys in the Solicitor's Office with initial responsibility for the review are Tim Vollmann, Assistant Solicitor, Land and Minerals Branch, Division of Indian Affairs, and James B. Weber, Attorney-Advisor, Division of Indian Affairs.

I wish to thank you for your attention to this matter. I look forward to developing a close working relationship between this Department and the State of Hawaii.

Sincerely,

Donald Paul Hodel

Under SECRETARY

bcc:
Secretary's RF (1), Solicitor's RF (1)
Docket RF, DIA RF, JJWeber RF, TVollmann RF (1)
PThornton RF, HWalker R, Resource Center RF
DEverette RF

SOL/DIA/JJWeber/cde/2-4-81/39331/Tape Pt./Index No. 8./retyped on/3-11-81

EXECUTIVE CHAMBERS
HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

April 22, 1981

The Honorable Donald Paul Hodel
Under Secretary
U. S. Department of Interior
Office of the Secretary
Washington, D. C. 20240

Dear Mr. Hodel:

Thank you for your letter of March 24, 1981. Prior to making any recommendations as to the composition of the proposed Federal-State task force, I believe it is important to first agree upon the scope of the task force. Mr. Andrus' letter, at page 8, proposed a task force to "examine the Department of Hawaiian Home Lands (improvement) requirements, investigate alternative funding methods, and promote Native Initiatives regarding Improvements." In my letter of January 12, 1981, I proposed that the task force, rather than focus itself on narrowly defined issues, study every facet of the Hawaiian Homes Commission Act (HHCA), including the improvement requirements. Upon agreement as to the range of issues which the task force will cover, I am prepared to make recommendation on its composition. However, I can recommend, at this point in time, that the Chairman of the Hawaiian Homes Commission be a member of the task force.

Regarding the issue of the Lualualei lands, it is my understanding that George K. K. Kaeo, Jr., a State deputy attorney general assigned to handle the legal affairs of the Department of Hawaiian Home Lands, has worked on this matter for some time and is quite familiar with most documents you may be interested in obtaining. As a matter of clarification, and as indicated in my letter of January 12, the Lualualei lands were set aside by Territorial Governor's executive orders 382 and 599.

In reviewing my letter of January 12, 1981, at page 5, I noticed an apparent typographical error. The figure contained in the second sentence of the fifth paragraph should read "$173,250" instead of "$713,250."

Please be assured that we are most anxious to resolve these matters and will render such assistance and information as requested.

With warm personal regards, I remain,

Yours very truly,

George R. Ariyoshi

George R. Ariyoshi

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 7

JUN 12 1981

Honorable George Ariyoshi
Governor of Hawaii
Honolulu, Hawaii 96813

Dear Governor Ariyoshi:

Thank you for your letter of April 22, 1981, which requested clarification of the intended scope of the Federal-State task force initially proposed by former Secretary Andrus in his December 3, 1980, letter to you. I apologize for the delay in responding and agree with your suggestion that the proposed task force be given a broad mandate to recommend ways in which the purposes of the Hawaiian Home Commission Act (HHCA) can be better effectuated.

As you may know, a number of key appointees in the Department of the Interior, including the Assistant Secretary for Indian Affairs and the Solicitor, recently received Senate confirmation and have now been sworn in. We expect, in the near future, to examine the allocation of responsibility within the Department for review of the HHCA program. In the meantime, your recommendations on the composition of the proposed task force would be welcomed.

Sincerely,

Donald Paul Hodel

UNDER SECRETARY

cc: Secy's Files Secy's R.F. (2)
Solicitor's R.F. (1)
Docket RF DIA R.F. JWeber R.F. (2)
TVollmann R.F. (1) DEverette R.F.
TIA, CL, US, PBA, IA, BIA, ES-LK, AR, RB, KL

SOL/DIA/JWeber/cde/8/21/81A89331/Tape #5 NEW
Rewritten:ES:LKrefting:dph:6/8/81:x5171

Gsgh 37396

EXECUTIVE CHAMBERS
HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

July 1, 1981

The Honorable Donald Paul Hodel
Under Secretary
U. S. Department of the Interior
Office of the Secretary
Washington, D. C. 20240

Dear Mr. Hodel:

Thank you for your letter of June 12, 1981, informing me of your Department's agreement that the proposed Federal-State Task Force be directed to conduct a comprehensive examination of every facet of the Hawaiian Homes Commission Act and, thereupon, to provide recommendations to better effectuate the purposes of the Act.

I appreciate the opportunity to provide recommendations on the composition of the proposed Federal-State task force, and will be submitting my recommendations to you by August 1, 1981.

I wish to take this opportunity to convey my personal congratulations and best wishes on your appointment as Under Secretary to the Department of the Interior. I look forward to a cooperative working relationship among our respective governmental agencies as we set out to resolve areas of mutual concerns and interests.

With warm personal regards, I remain,

Yours very truly,

George R. Ariyoshi

George R. Ariyoshi

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. [illegible]

February 20, 1980

Address Reply to the
Division Indicated
and Refer to Initials and Number
MEF:KAMarra
90-6-0

Mitsuo Uyehara, Esquire
Ho'Ala Kanawai, Inc.
1021 University Ave., Room 2
Honolulu, Hawaii 96826

Dear Mr. Uyehara:

This letter is in response to your request that the United States investigate alleged violations by the State of Hawaii of the rights of native Hawaiians. You will be please to know that the federal government is presently investigating the matter. Once the investigation has been completed, the United States will initiate appropriate action, if any such action is warranted.

If you have any other questions regarding this matter, please do not hesitate to contact us.

Sincerely,
James W. Moorman
Assistant Attorney General
Land and Natural Resources Division

By: Rembert A. Gaddy
Rembert A. Gaddy
Acting Chief, Indian Resources Section

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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(aka Maui Loa)
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ELIZABETH M. SHOAF
1330 Komo-mai Drive
Pearl City, HI 96782

GESELL, J.

C.A. No. 80- 2791

OCT 31 1980

HOU HAWAIIANS
45-776 Kamehameha Highway
Kaneohe, HI 96744

AHAHUI OHANA HOKU ANUENUE
521 Liliha Place
Honolulu, HI 96817

Plaintiffs,

v.

DEPARTMENT OF JUSTICE
Constitution Avenue between
9th and 10th Streets, N.W.
Washington, D.C. 20530

BENJAMIN R. CIVILETTI
Attorney General
Department of Justice
Constitution Avenue between
9th and 10th Streets, N.W.
Washington, D.C. 20530

UNITED STATES OF AMERICA,

Defendants.

______________________________/

COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTION, WRIT OF MANDAMUS AND AN ACCOUNTING FOR BREACH OF TRUST DUTIES

1. This is an action seeking declaratory and injunctive relief, a writ of mandamus and an accounting against the United States for breach of its trust duties to plaintiffs and the Native Hawaiian population. The United States, through the Department of Justice and the Attorney General, has failed to enforce the Hawaiian homestead program created by the Hawaiian Homes Commission Act of 1920 and the Hawaii Statehood Admission Act of 1959 and has thus permitted the homestead program to be used and operated for purposes other than bettering the conditions of Native Hawaiians, in violation of the trust duties imposed by 48 U.S.C. Prec. § 491-§§ 5(f), 4, 3(b) and 48 U.S.C. § 691-716.

The purpose of the Hawaiian homestead program is to distribute 206,000 acres of land located on the five largest Hawaiian islands to Native Hawaiians of half-blood or more. As trustee and as the original settlor of the trust, the United States is charged with enforcing, supervising and implementing the distribution of homestead lands to Native Hawaiians; its principal duty is to institute suit when the homestead trust is breached. The State of Hawaii serves as the federal government's instrument for carrying out the homestead program.

In the 60 year history of the Hawaiian homestead program, a little over 25,000 acres have been awarded to approximately 3,000 Native

[illegible]

HOUSE OF REPRESENTATIVES
ELEVENTH LEGISLATURE, 1981
STATE OF HAWAII

H.R. NO. 377

HOUSE RESOLUTION

CONCERNING CHANGES IN THE BLOOD QUANTUM REQUIREMENTS FOR LESSEES OF HAWAIIAN HOME LANDS.

WHEREAS, section 4 of the Admission Act of the State of Hawaii (Act of March 18, 1959, Pub.L. 863, 73 Stat. 4) provides that the qualifications of lessees of Hawaiian home land shall not be changed except with the consent of the United States; and

WHEREAS, sections 207 to 209 of the Hawaiian Homes Commission Act limit leases under section 207 of the Hawaiian Homes Commission Act to "native Hawaiians" who are defined by section 201 of the Hawaiian Homes Commission Act as "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778"; and

WHEREAS, section 209 of the Hawaiian Homes Commission Act in most cases limits the transfer of Hawaiian homes leases upon the death of the lessee to relatives of the lessee who are "native Hawaiians"; and

WHEREAS, Article XII, sections 1 and 2, of the Constitution of the State of Hawaii provides:

HAWAIIAN AFFAIRS

HAWAIIAN HOMES COMMISSION ACT

Section 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature; provided that if and to the extent that the United States shall so require, such law shall be subject to amendment or repeal only with the consent of the United States and in no other manner; provided further that if the United States shall have been provided or shall provide that particular provisions or types of

provisions of such Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms and spirit of such Act. The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law.

Thirty percent of the state receipts derived from the leasing of cultivated sugarcane lands under any provision of law or from water licenses shall be transferred to the native Hawaiian rehabilitation fund, section 213 of the Hawaiian Homes Commission Act, 1920, for the purposes enumerated in that section. Thirty percent of the state receipts derived from the leasing of lands cultivated as sugarcane lands on the effective date of this section shall continue to be so transferred to the native Hawaiian rehabilitation fund whenever such lands are sold, developed, leased, utilized, transferred, set aside or otherwise disposed of for purposes other than the cultivation of sugarcane. There shall be no ceiling established for the aggregate amount transferred into the native Hawaiian rehabilitation fund.

ACCEPTANCE OF COMPACT

Section 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that section 1 hereof be included in this constitution, in whole or in

H.R. NO. 377

part, it being intended that the Act or acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.;

and

WHEREAS, the Legislature of the State of Hawaii is deeply concerned with, and in close proximity to the problems and needs of the native Hawaiians and seeks to be able to respond effectively to these problems and needs; now, therefore,

BE IT RESOLVED by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the House of Representatives and the Senate of the United States are requested to delegate to the Legislature of the State of Hawaii the power to alter the blood quantum requirement for one to be a "native Hawaiian" for the purposes of the Hawaiian Homes Commission Act; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Speaker of the House of Representatives of the United States, the President Pro Tempore of the Senate of the United States, and the members of Hawaii's Congressional Delegation.

OFFERED BY

MAR 1 1 1981

Dennis R. Okada

Tony Narvaes

Barbara Marumoto

Eloise Yamashita Tungpalan

David M. Hagino

James Aki

Russell Blair

H.R. NO. 377

Connie Chun

Gerald T. Hagino

Calvin K.Y. Say

Charles Toguchi

Carol Fukunaga

Tom Okamura

MAR 1 1 1981

2. Volume I, THE NATIVE HAWAIIAN (Public Law 96-565, Title I CULTURE, NEEDS AND CONCERNS, REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA, June 23, 1983.

Volume I

THE NATIVE HAWAIIAN
(Public Law 96-565, Title I)

CULTURE, NEEDS AND CONCERNS

REPORT TO
THE PRESIDENT AND THE CONGRESS
OF
THE UNITED STATES OF AMERICA

June 23, 1983

by
Native Hawaiian Land Trust Task Force
1021 University Avenue, Honolulu, Hawaii, 96826
(Paid by its members and supporters)

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PREFACE

This report,entitled, Volume I, THE NATIVE HAWAIIAN (Public Law 96-565, Title I) CULTURE, NEEDS AND CONCERNS REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA is the NATIVE HAWAIIAN (as defined in Public Law 96-565, Title I, Section 107) community response to the Presidential and Congressional call for a report on the "culture, needs and concerns of the Native Hawaiian" in Public Law 96-565, Title III, Section 303(a).

This NATIVE HAWAIIAN community report has been prepared in the exercise of native initiative pursuant to federal policy to promote self-determination by native Americans. NATIVE HAWAIIANS or Title I Native Hawaiians are defined as "... a descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778." Public Law 96-565, Title I, Section 107, 94 Stat 3223. Said definition is identical to the definition of NATIVE HAWAIIANS in the Hawaiian Homes Commission Act, 1920.

This report has been organized and coordinated by the Native Hawaiian Land Trust Task Force, a statewide coalition of individuals and organizations seeking the full implementation of the two Admission Act land trusts for NATIVE HAWAIIANS (Act of March 18, 1959, Public Law 86-3, 73 Stat 4, § 4 (Hawaiian Homes Commission Act, 1920) and § 5(f).

The Native Hawaiian Study Commission has prepared a second report on the "Native Hawaiian". The Native Hawaiian as used in the Native Hawaiian Study Commission report is defined as "... any individual whose ancestors were native of the area which consisted of the Hawaiian Islands prior to 1778." Public Law 96-565, Title III, Section 305, 94 Stat 3326. This second class is an entirely different class from NATIVE HAWAIIAN or Title I Native Hawaiian and shall be identified as Title III native Hawaiian or as native Hawaiian. To preclude future confusion, all federal laws should be amended so that the term NATIVE HAWAIIAN would be as provided for in the Hawaiian Homes Commission Act, 1920, as it was until the Native American Programs Act of 1974.

Due to denial of NATIVE HAWAIIAN land trust funds by the State of Hawaii and other obstacles emplaced within the paths of NATIVE HAWAIIANS, this report is not complete. However, NATIVE HAWAIIANS will continue to complete and perfect said report and to provide for the betterment of their conditions in acts of self-determination through full implementation of the two Admission Act land trusts for NATIVE HAWAIIANS noted above.

This report has been wholly prepared and paid for by NATIVE HAWAIIANS out of their personal savings with additional support from their friends. No government or NATIVE HAWAIIAN land trust moneys or resources have been used because they have all be denied without exception!

RECOMMENDATIONS TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES

Based upon the experiences of NATIVE HAWAIIANS, the Native Hawaiian Land Trust Task Force recommends to the President and the Congress of the United States of America the following:

1. Stop all funding to the State of Hawaii until the State conforms to the compact between the State and the United States to implement the Admission Act, Section 4 (Hawaiian Homes Commission Act, 1920, as amended) and the Section 5(f) land trusts for Native Hawaiians. The State has agreed to so conform as set forth in its Constitution at Article XII, Sections 1 to 4.

2. File immediate law suits against the State for breach of trust and waste of Native Hawaiian Admission Act land trust resources and violation of the civil rights of Native Hawaiians under said trusts.

3. Amend all federal laws defining the term "native Hawaiians" so that the term refers only to Title I Native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920. The State Constitution provides that only two classes of people have interest in the Admission Act land trusts: NATIVE HAWAIIANS and the general public. Creeping subversion of Title I Native Hawaiians have emerged as a result of the Native American Programs Act of 1974 definition of "native Hawaiians", i.e. no minimal blood quantum. Said latter defition is unconstitutional.

4. Provide Title I Native Hawaiians with the right to sue to enforce the Admission Act land trusts. Under Keaukaha-Panaewa Community Association vs. Hawaiian Homes Commission, 588 F2d 1216 (1978), 62 LEd2d 33 (1979), the Ninth Circuit of Appeals held that only the United States can enforce the trust under Section 5(f).

5. Recognize Title I Native Hawaiians as the traditional, rightful, legal occupants and users of the Admission Act land trusts for Native Hawaiians, with all of the rights and privileges of a sovereign entity within the United States, and eligible for federal assistance to native Americans, with full rights of self governance to achieve and maintain social and economic self-sufficiency in acts of self determination. The administration of the said land trusts by the State have been consistently to the detriment of NATIVE HAWAIIANS with resulting social and economic instability to NATIVE HAWAIIANS and the general public. The recommendations of the Federal State Task Force on Hawaiian Homes and the Admission Act Section 5(f) land trusts, as well as the Native Hawaiian Study Commission and the Advisory Council on Native Hawaiian Education merely continue the fundamental defect in administration of the land trusts with the effects noted above. None of these have in fact considered the real problems and needs of the NATIVE HAWAIIAN. The concerns are expressed in this report.

6. Reprint this Title I Native Hawaiian report in the Congressional Record so that every Congressman and Senator will have a copy to facilitate a comprehensive and comparative analysis and review of all of the reports on the "native Hawaiian". The State of Hawaii has refused funds from the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands for such purpose from NATIVE HAWAIIAN trust funds.

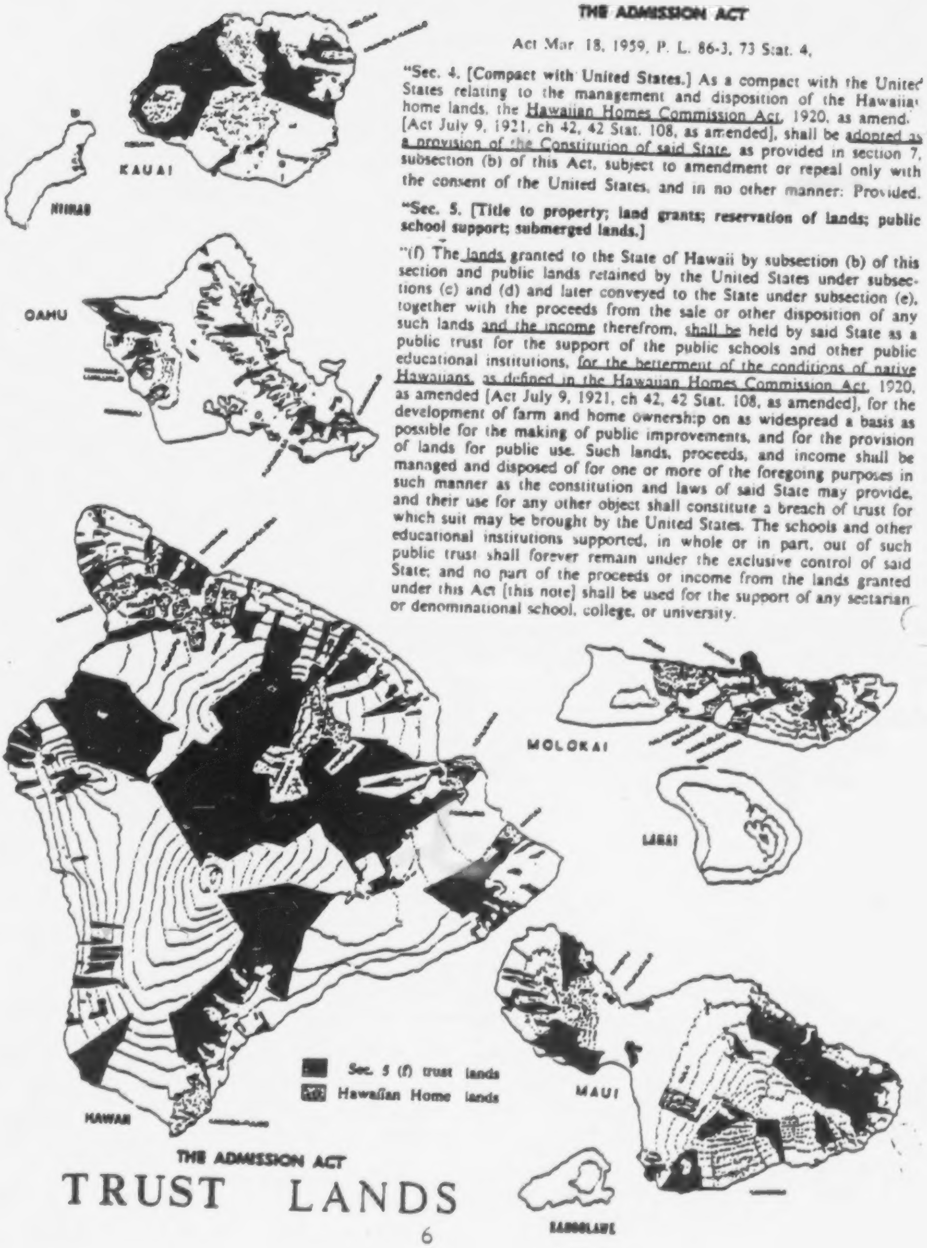
THE ADMISSION ACT

Act Mar. 18, 1959, P. L. 86-3, 73 Stat. 4,

"**Sec. 4. [Compact with United States.]** As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amend. [Act July 9, 1921, ch 42, 42 Stat. 108, as amended], shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: Provided.

"**Sec. 5. [Title to property; land grants; reservation of lands; public school support; submerged lands.]**

"(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended [Act July 9, 1921, ch 42, 42 Stat. 108, as amended], for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act [this note] shall be used for the support of any sectarian or denominational school, college, or university.



THE ADMISSION ACT
TRUST LANDS

INTRODUCTION

The history of the NATIVE HAWAIIANS is set forth in the Kumulipo, the sacred creation chant of the NATIVE HAWAIIANS, as extending back to the primeval era of Po, the time of darkness, when everything was to be.

The second era began as matters quivered, then being, animals and plants, and light emerged. The first man and woman emerged thereafter, growing in successive waves, evolving through the generations a civilization based on reciprocal trust between the chiefs and the commoners.

The third and the present era began as the sun set on September 16, 1823 —— an era envisioned by Keopuolani, the last kapu and sacred queen of Hawaii. The first wife of Kamehameha I, and the mother of the last sacred monarchs of Hawaii: Kamehameha II and Kamehameha III.

Keopuolani charged the government with a trust to care for NATIVE HAWAIIANS and their lands on September 15, 1823 at her deathbed, to carry on through posterity the legacy of righteousness, justice and universal peace inherent in the kingdom of Hawaii as established by Kamehameha I. This trust continues to the present as the Hawaiian Homes Commission Act and the Admission Act Section 5(f) land trusts for NATIVE HAWAIIANS.

For a generations after Keopuolani, the alii, chiefs, and the commoners moved forward with full faith, and in the belief in the goodness of man, of righteousness and justice, of universal peace amongst nations underpinned by adoption of unilateral disarmament as a national policy.

But insiduous forces moved in to corrupt the kingdom. Greed, abuse of authority, and power became increasingly rempant. NATIVE HAWAIIANS experienced the corrupting effect of foreigners, and therefore petitioned for their expulsion for the first time in the fall of 1819, and many times thereafter.

The full force of corruption fell upon the commoners in 1848 when 35% of the communally held lands were partitioned to some of the NATIVE HAWAIIAN alii and chiefs and foreigners. The king retained the remainder, then gave about half of his portion to the government. Many alii and chiefs refused to be parties to this scandalous affair.

In 1850, a few commoners, essentially subchiefs, received a miniscule 0.7% of the total lands in Hawaii rather than the 33 1/3% they should have received as a class. Within twenty years, even the few acreages obtained were subjected to be legally stollen by the adoption of adverse possession by the kingdom.

The intolerable situation had advanced to a point where Lt. General John M. Schofield observed late in 1872 during the course of his intelligence visit to Hawaii for the United States War Department that:

> "The continuous and rapid decay of all the ancient families of of chiefs, from which alone would the people ever think of electing a king or queen, and the notorious corruption in blood and character of the few remaining halfcastes nominally belonging to those ancient families, made it plain to all that the monarchial government must soon die a natural death, or become so intolerably corrupt as to make its overthrow inevitable."

A nova appeared to brighten the darkening gloom when William Charles Lunalilo reaffirmed the original concept of a free and open society bonded by a reciprocal bond between chiefs and commoners when the succession to Kamehameha V arose. Rather than succeed by his indisputable status as the highest ranking chief, William Charles Lunalilo called for a free and open election of the new king, and accended to the throne by universal acclimation. However, the light of Lunalilo dimmed within a year.

With the accession of Kalakaua in 1874, sugar became king. Sugar planters received cheap, long term royal and government leases as well as cheap, long term leases from the large alii estates which were managed by Caucasians tied to sugar planters.

At about 1887 NATIVE HAWAIIANS became a minority in Hawaii, and the House of Nobles of the Legislature of the kingdom became a house of large property owners, largely Caucasians, as a result of the Constitution of 1887 promulgated by Kalakaua.

When Liliuokalani, Kalakaua's sister, ascended to the throne by royal edict, and moved to suppress the power of large property owners, the propertied interests moved to protect their investments in the government and the plantations by abrogating the monarchy on January 17, 1893, and displaced it with themselves and their friends constituted as an oligarchy of large property interests.

The revolution of 1893 was not merely a political revolution for the benefit of large property interests. Two years later, dispossessed, penniless NATIVE HAWAIIANS and others similarly situated who maintained subsistence living were able to acquire homestead leases for the first time in the history of Hawaii. Under the Homestead Act of 1895, 999 year homestead leases which could descend to leasees' heirs could be acquired by payment of a $2 application fee and $5 on 6th year and payment of an annual land tax as any other land owner on agricultural and pastoral lands. In 1950, Congress converted the homestead leases into fee simple homesteads.

Unlike the Homestead Act of 1895, the Kuleana Act of 1850 was designed to dispossess NATIVE HAWAIIANS from their traditional homesteads by requiring cashless NATIVE HAWAIIAN commoners to pay for the required surveys and other costs in cash, as well as other obstructionists procedures.

Of great cultural significance, the Hoohulu family was finally restored to continue their traditional guardianship of the Royal Mausoleum to ensure the security of the sacred remains of the ruling families of Hawaii. They had been dispossessed of their guardianship for more than a generation during the last quarter of the kingdom until the abrogation of the monarchy in 1893.

After annexation of Hawaii into the United States of America, sugar planters were shocked to find that Congress had moved to destroy the plantation system under Section 55 of the Organic Act for the Territory of Hawaii. Further, when the results of the first Territorial election was returned, NATIVE HAWAIIANS oppossed to sugar planters were found to have been elected to all major offices. The first delegate to Congress was Robert Wilcox, the leader of the counter-revolutionists who had sought just five years earlier to restore the government back into the hands of the common people.

In reaffirmation of a free and democratic Hawaii, both houses of the First Territorial Legislature had the Declaration of Independence of the United States of America read in the Hawaiian and the English languages on its first working day in 1901.

The sugar planters regrouped and recruited NATIVE HAWAIIAN candidates favorable to their interests immediately thereafter, then regained control of the government in Hawaii. In 1903, a land registration system (the Torrens or land court system) was enacted into law by the newly reorganized Territorial Government to eliminate NATIVE HAWAIIAN interests. When Kalakaua sugar leases ran out at about 1920, sugar planters retained their fertile and choice sugar lands with cheap rentals and abundant water, and left the waste, waterless lands available for homesteading by landless NATIVE HAWAIIANS under the Hawaiian Homes Commission Act. The Hawaiian Homes Commission homesteading program was then administratively buried by Title III native Hawaiian commissioners.

With the advent of Statehood, a larger and better second federal land trust for NATIVE HAWAIIANS was created under Section 5(f) of the Admission Act. But this second land trust, just as the first Hawaiian Homes Commission Act land trust have been buried, even though these trusts were encumbered with solemn compact with the United States as a condition of Statehood, and incorporated into the Constitution of the State of Hawaii at Article XII, and that these lands in trust were the very lands NATIVE HAWAIIANS were to have received in 1848.

The suppressive actions continues to even prevent the publication of this report to the President and the Congress by the commissioners of the Hawaiian Homes Commission Act, and the trustees of the Office of Hawaiian Affairs, even though they are the guardians and trustees of the two Admission Act land trusts for NATIVE HAWAIIANS to provide for the betterment of the conditions of NATIVE HAWAIIANS. In blatant violation of their fiduciary duties, these officers have used Title I Native Hawaiian land trust resources to support Title III native Hawaiian activities and the Title III report to the President and the Congress under Public Law 96-565.

The experiences of NATIVE HAWAIIANS over two centuries have demonstrated that blood quantum per se is not a perfect guide to delineate a NATIVE HAWAIIAN. A distinctive Native Hawaiian value system, feelings, sentiments and way of life distinguishes a Native Hawaiian. Such unique features which underpinned the kingdom of Hawaii was promulgated in 1783 by Kamehameha I as the mamalahoa kanawai. A large segment of the Hawaiian community opposses such Native Hawaiian value system. Such opposition is reflected in the movement to suppress NATIVE HAWAIIANS. Greater support to provide for justice and the betterment of the conditions of Native Hawaiians have come from non-Hawaiians.

In spite of subversion and suppressive actions by misuse of government powers and Native Hawaiian land trust resources, Native

Hawaiians are exercising their initiative to promote the betterment of their conditions to actualize the prophetic vision of Keopuolani. This report sets forth and records the process.

A LIVING CULTURAL TRADITION

The Sacred personage of the High Kapu Chiefess Keopuolani rests in the Royal Tomb dedicated to her memory located on the grounds of the Waiola Church in Lahaina, Maui, Hawaii.

Keopuolani was the sacred wife of Kamehameha the Great, conqueror and unifier of the Hawaii Kingdom. She was the mother of Liholiho who became Kamehameha II and Kauikeaouli who became Kamehameha III and the Princess Nahienaena. Keopuolani was, in essence, the Queen Mother of our Kingdom, and the mother of the generations to come, linking to the ranking Alii (Chiefs) of today.

Keopuolani founded the Wainee Church in 1823. The Church burned down and was later rebuilt, rededicated and renamed Waiola (Living Water) Church.

The Waiola Church, as we know it today, is a Congregational Church, embracing all denominations. It is presently ministered by the Honorable Reverend Abraham Williams, of Hawaiian descent, who is also the caretaker of the Royal Tomb. He is well respected among his peers, a trusted leader to his congregation and dearly loved by many.

The year 1975 marked the completed renovation of the Royal Tomb of Keopuolani. The highlight of the event was the Ho'okupu (gift giving) ceremony which took place on December 6, 1975 at 4 p.m. rededicating the Royal Tomb. Gifts offered in a Ho'okupu represent the love and loyalty of the giver. However simple or valuable the gifts may be, it is accepted and revered as a token of that infinite dedication which streams from the very depth of the giver.

Among those gathered at the Royal Tomb to offer ho'okupu were the descendants of Kamehameha the Great. They were led by Helena Wilcox Salazar; the High Chiefess Kalokuokamaile, ranking member of the royal family today.

The ho'okupu ceremony held on that day was indeed moving. The air was fragrant with beautifully woven leis (wreaths) and the occasion was hailed in prayer and song by all who were present.

The gates of the Royal Tomb were opened and each ho'okupu offered. First by the High Chiefess Kalokuokamaile and members of her family, followed by Hawaiian societies, members and friends of the congregation and visitors from other shores.

The ceremony was marked by a definite unity of spirit from a people still dedicated to the tradition for which Queen Keopuolani stood. It is a cultural practice among Hawaiian people to honor and celebrate the memory of their beloved Ali'i. Through this, the cultural tradition is carried for future generations to come.

With the ho'okupu ceremony completed, everyone was invited to feast throughout the evening. Dinner was served in the Church Hall and tables and chairs were set up earlier in the day so that all could enjoy together. A stage was also built and decorated especially for the ho'olaule'a where musicians and dancers alike came forth to give of their talents. Everyone was satisfied with the day of sharing and we departed from Waiola Church, knowing that we strengthened our cultural bonds.

On the next day, Sunday, we gathered once more at Waiola Church to close the celebration by giving thanks in worship together.

Page 3 - A Living Cultural Tradition

Since the rededication of the Royal Tomb in Lahaina in 1975, annual celebrations have been held to commemorate that event.

On the first anniversary of the rededication in 1976, a number of gifts were sealed in a capsule of the Royal Tomb to be opened in the year 2000. One gift was from the High Chiefess Kalokuckamaile, a book entitled "Keoua, Father of Kings," written by the High Chiefess Elizabeth Kekaaniau Pratt, great great granddaughter of King Keoua, printed in Honolulu in 1920. Also sealed in the capsule were some 225 photos of the original ceremony and a copy of the book, "Memoir of Keopuolani, Late Queen of the Sandwich Islands," written by Reverend William Richards, one of the early missionaries.

The theme of all the ceremonies from 1975 through today and years to come is clearly enunciated by a litany offered by Reverend Williams and the response of the people:

"We thank Thee for Queen Keopuolani..who embraced Christianity and said 'It is right and proper my children be present with me at morning and evening prayers,'" said Rev. Williams.

"Let us rejoice and give thanks," replied the people.

"...to kindle the flame of devotion to God of a people unjustly separated from their native land," continued the Reverend.

"We rededicate our goods," replied the gathering.

"That Hawaiians might walk to the beat of one drum," said the Reverend.

"We rededicate our thoughts," was the reply.

"With a pride in heritage, and a warm aloha to all," concluded the Reverend.

"We reaffirm our faith," came the response.

Included with this report is a copy of a letter written by the Reverend Williams.

The years of commemoration have proven to be very rewarding for myself and many others. We will continue our traditions in keeping with our true cultural heritage.

Respectfully submitted by,

Owana Salazar DeGuair

Owana Salazar DeGuair
June 17, 1983

WAIOLA CONGREGATIONAL CHURCH
Lahaina, Maui
December 16, 1975

Princess Helen Kalokuokamaile
1363 North King Street
Honolulu, Hawaii 96817

Dear Princess Kalokuokamaile:

He aloha makou ia oe, kou kaikamahine, kou kaikaina, a me kou hoahanau. Ke mahalo nei makou no kou aloha ia makou a me kou lokomaikai ia makou i ka launa pu ana ia makou a pau loa ma Lahaina nei. He nani no ke ano o ke alii o Hawaii nei. Ua piha loa ka hauoli iloko ka puuwai o ka poe o Maui i ike maka i ka poe alii.

It was love at first sight when we all gazed upon you, your daughter Owana, your sister Princess Kaloiokalani, your cousin Princess Kapiolani and her daughter Celine. We have some beautiful pictures of you folks to remind us of the beauty of the celebration of the rededication of the Royal Tomb.

I am extremely grateful to you and your family for your graciousness. You were so kind to us, and we are eternally grateful to you. I felt the warmth of your personality, and the strength of your character. Oh how fortunate we have all been for the favor you bestowed upon us by your very presence.

Mahalo nui loa for the contribution of the beautiful calabash to the Waiola Church. We shall cherish it for time and eternity. I have read the book, KEOUA, FATHER OF KINGS by High Chiefess Pratt, and shall read it again. Somebody asked me about your lineage, I was happy to be able to give a most positive answer in the affirmative.

May the Lord bless our efforts in behalf of our people. There is much that we can do, or that we ought to do. However, I am of the opinion that our other goal, i.e., that of raising the sights, and raising the estimation of the Hawaiian of himself was more than partially fulfilled because of our celebration, your presence, and the genuine feeling of aloha. There were many sober contemplative countenances, and liquid eyeballs amid the hearty and genuine laughter of pleasure and happiness. Surely the Lord has generously blessed us. Praise His Name!

Aloha ma ka inoa o ka Haku Iesu Cristo,

The
PROPHETIC VISION
of
KEOPUOLANI

THE SACRED QUEEN OF HAWAII

NATIVE HAWAIIAN LAND TRUST TASK FORCE

UA MAU KE EA O KA AINA I KA PONO

THE PROPHETIC VISION OF KEOPUOLANI, THE SACRED QUEEN OF HAWAII

By Mitsuo Uyehara
Project Director
Native Hawaiian Land Trust Task Force

The Native Hawaiian Land Trust Task Force is a statewide coalition of organizations and individuals. Its purpose is the full implementation of the two federal Admission Act land trusts for Native Hawaiians set forth in the Constitution of the State of Hawaii at Sections 1, 2, 3 and 4 of Article XII: First, the Hawaiian Homes Commission Act, 1920 land trust, and Second, the Section 5(f) land trust (Act of March 18, 1959, Public Law 86-3, 73 Stat. 4, Section 4 and 5 respectively).

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FORWARD

INTRODUCTION

THE PROPHETIC VISION OF KEOPUOLANI, THE SACRED QUEEN OF HAWAII is a memorial to Keopuolani, the highest ranking and sacred chief of the Kingdom of Hawaii.[1] It is dedicated to all those who have labored through the generations to actualize Keopuolani's prophetic vision which was first set forth in *The Memoir of Keopuolani* by William Richards in 1825, then reprinted in 1904.[2] It is reprinted again (pages 9-45) with this Foreward (pages iv-4), an index (pages 57-60), a geneology of Keopuolani (pages 46-49), pictures of the monument to Keopuolani and to William Richards (page 38), a concise biography of William Richards (page 4), footnotes (pages 50-46) and a map of Lahaina with notes (pages 5-7).

PROPHETIC VISION, RANK AND STATUS OF KEOPUOLANI

The significance of the prophetic vision, power, uniqueness, and decisive effect of Keopuolani cannot be overemphasized.[3] Her decisions and actions were reasoned, equitable, swift, and final. Keopuolani was so exalted that Kamehameha I, her first husband had to prostrate himself in her presence in homage,[4] as did all other persons, because no one, including the other ruling monarchs of the Kingdom of Hawaii was equal to, or higher in rank than her, or possessed the sacred power inherent in her person which emanated from her as her charge and prophetic vision.

ABOLISHMENT OF KAPU

Although the kapu and the ancient order underpinned her rank and privileges, Keopuolani concluded that the kapu was an unreasonable burden on her people, and therefore had it abandoned in the fall of 1819,[5] after the death of Kamehameha I on May 8, 1819;[6] and after the first Christian baptism in Hawaii (as a Roman Catholic) of her second husband, Kalanimoku, the premier of the kingdom, on board the French warship *L'Uranie* commanded by Captain Louis de Freycinet at Kawaihae on August 14, 1819;[7] and before the landing of Protestant missionaries on April 4, 1820 at Kailua-Kona on the island of Hawaii.[8]

CHARGE BY KEOPUOLANI ABOUT LAND AND PEOPLE

Anticipating revolutionary changes and their effects on the land the people of Hawaii, Keopuolani charged Kamehameha II at her deathbed on September 15, 1823, to "take care of the land .... (And) (e)xercise a tender care over the people"[9]

ADOPTION OF PEACE AND PACIFISM

In solemn pledge, the alii of her generation carried forward the charge to modernize the nation, but unlike other nations so engaged, adopted peace and pacifism as a national policy, and began to rapidly dismantle one of the major armed forces in the Pacific Ocean area.[10] The unilateral disarmament continued until all forts and warships were decommissioned, and even the Royal Household Troops were abolished during the reign of Lunalilo on September 12, 1873.[11] On that day, Hawaii became the only sovereign nation on the world scene with no men under arm.

PHYSICAL WORK BY ALII

In the process to build a modern Hawaii, the alii continued the tradition to work together in the taro and potato fields,[12] and perform other physical labor as did all able bodied lesser chiefs and commoners to cultivate the staple crops and to build and maintain public structures and projects, and in the process demonstrate their physical strength, endurance, health, and skill to their peers, supporters, and enemies—as required of leaders who are constantly required to physically confront those who challenge their position and authority in their effort to displace them in war and in peace.[13]

EDUCATION

In the educational process, the alii did what was needed to be done as Keopuolani did, to learn to read and write. The first students were the alii, who learned to read and write in the English language, with their retainers. These were followed by adults who learned to read and write in the Hawaiian language. Only after adults were able to read and write, after the passage of a full decade, were children enrolled and their education began.[14]

ESTABLISHMENT OF SCHOOLS

To upgrade the education of the nation, Hoapili Wahine, the wife of Hoapili Kane, Keopuolani's last husband, granted a parcel of land to the American Board of Foreign Mission in

1831 to establish the Lahainaluna Seminary[15] followed by other schools. As students graduated, they were certified as teachers in the newly organized public school system throughout the kingdom. Other graduates found employment in government service. In addition, students and graduates recorded the unwritten literature, history, and culture of Hawaii for posterity.[16]

WILLIAM RICHARDS CONTRIBUTION

The alii recognized the inadequacy of the teachers and others who came to Hawaii, and therefore sought advisors and teachers with better expertise throughout the world to be retained by the kingdom, but none responded. Failing to obtain the quality of men desired, Kamehameha III called upon William Richards to become his full time advisor to organize the kingdom in 1838 using the resources available in Hawaii.[17]

In his new position, William Richards conducted classes on modern government to the alii, translated, and performed many other duties, including working with the students and graduates of Lahainaluna Seminary, of which he was one of the first directors, to draft the Declaration of Rights (June 7, 1839), Edict of Toleration (June, 1839), and the first written constitution of the kingdom (October 4, 1840).[18]

In 1842, he was commissioned with Timothy Haalilio as ambassador to Great Britain, France, and the United States. As a result of their work, diplomatic recognition from these three nations were received before their return in 1845.[19]

Immediately upon his return, he acted as the clerk of the extraordinary Legislative Council of 1845 (April 12, 1845 to April 27, 1846) which considered and adopted laws to reorganize the government of the kingdom. He became the first Minister of Public Instruction (April 13, 1846), and served as such until his death.[20] He also became the president of the Board of Commissioners to Quiet Land Title in the same year.[21]

In the *Principles Adopted by the Board of Commissioners to Quiet Land Titles in Their Adjudication of Claims Presented to Them* was set forth the fact that the king (government), the chiefs *(konohiki)*, and the tenants *(hoaaina)* each have a 33 1/3 percent interest in the lands in Hawaii. But no agreement could be reached in the partition *(mahele)* for two years. On November 7, 1847, William Richards died.

BREACH OF SACRED TRUST-ALIENATION OF LAND

Preceeding the death of William Richards and following him shortly thereafter were other great chiefs. The effect of these deaths and the selfless interests of the deceased and what they sought for the people and the nation was catastrophic, especially in regard to land titles, use, and ownership. Just two months after the death of William Richards, a special *mahele* committee was appointed by the Privy Council upon the suggestion of Dr. Gerrit P. Judd (December 18, 1847).[22] The members were Dr. Gerrit P. Judd, Kekuanaoa, Piikoi, and James Young.[23]

The *Great Mahele* was begun on January 27, 1848, and completed on March 7, 1848. On the following day, March 8, 1848, about half of the land granted to the king was deeded to the "government".[24] The Legislative Council enacted the *mahele* into law on June 7, 1848.[25] Each of the special *mahele* committee members participated in the *Great Mahele* as chiefs and received an award. The tenants got nothing in the *Great Mahele*.

Two years later, in 1850, the *mahele* for the tenants was begun. When the Land Commission was abolished on March 31, 1855, the tenants had received but 0.7 percent of the lands instead of the 33 1/3 percent they were to have received as their traditional interests as stated in the *Principles Adopted by the Board of Commissioners to Quiet Land Titles in their Adjudication of Claims Presented to Them.*

The newly constituted Commission to Quiet Title not only denied the claims of thousands of *kuleana*[26] applicants, but in almost every instance, rejected some of the parcels filed in the claims. Many other applicants could not perfect their awards because they did not have the money to survey the lands they had always used to sustain their life.

As a result of rejecting claims, preventing the completion of claims, not giving notice or enough notice to file claims, or to require money commoners generally did not have for services to satisfy book keeping requirements for the convenience of the government managed by *haoles*[27] thousands of people were evicted from the lands they had subsisted on since time immemorial, and lands they were entitled to in the *Great Mahele*.

The extreme case of alienation of land occurred on the westernmost inhabited island in the kingdom, the island of Niihau, where no one obtained a *kuleana*. The second most serious situation occurred in the easternmost district in the kingdom, in the district of Puna on the island of Hawaii, where only three *kuleana* awards were made.[28]

Further, although large parcels had the reservation "subject to the rights of tenants," the general practice has been to prevent the exercise of such rights from the mountain to the sea. Large land owners also destroyed the forests through pastorage of sheep and cattle with resulting drying up of streams which fed the taro fields.

The lands not distributed under the *Kuleana Act of 1850*[29] and not awarded under the *Great Mahele* were opened for sale under the *Act of July 11, 1851.*[30] By the end of 1855, 1,887 sales were made with a total of 152,012 acres [31] compared to a total of 28,658 acres awarded under the *Kuleana Act of 1850*. Thousands of others remained landless because they did not have money to pay for lands which belonged to them. In addition, many alii and chiefs disinherited their landless heirs and relatives by selling their lands for their immediate use or leaving their lands in charitable trusts, such as in the case of the Estate of Bernice Pauahi Bishop. The lands in such estates were then exploited primarily for the enrichment of *haole* sugar growers and ranchers and cooperating chiefs under the management of *haoles* with direct and indirect interest in these fields of mercenary endeavors.[32]

Many chiefs protested the *Great Mahele*, but they were silenced by Piikoi as follows:[33]

> When I undertook this duty, some of the chiefs said that they did not wish for me to divide the lands for them. I made reply to them that if they would not take my division, they must lose all their lands, from Hawaii to Kauai. These were strong words, but I spoke confidently, well knowing that I had ample authority from the king.

Many good chiefs did not surrender to Piikoi and joined the landless commoners. The problem of land tenure which Hawaii is burdened with today has its origin in the *mahele* and the attitude noted above. The abuse of power and the exploitation of the helpless and trusting have been repeated countless number of times to the present.[34]

The *Great Mahele of 1848* was the first major breach of the sacred trust charged and bequeathed by Keopuolani. In 1870, even the minimal amount of land obtained under the *Kuleana Act of 1850* and lands obtained by purchase under the *Act of July 11, 1851* was legally authorized to be stollen under the doctrine of adverse possession.[35] The corruption was so obvious that Lt. General John M. Schofield recorded in his memoirs in 1872, as a result of an intelligence visit to Hawaii for the U.S. War Department the following:[35a]

> The continuous and rapid decay of all the ancient familes of chiefs, from which alone would the people ever think of electing a king or a queen, and the notorious corruption in blood and character of the few remaining half-castes nominally belonging to those ancient families, made it plain to all that the monarchial government must soon die a natural death, or become so intolerably corrupt as to make its overthrow inevitable.

SURVIVAL OF NATIVE HAWAIIAN COMMUNITIES

As a part of and as a result of adverse changes, traditional communities disintegrated and vanished as villagers died or moved away, largely to Honolulu. Today, only three Native Hawaiian communities remain strong but embattled from the thousands which existed. Niihau has retained the traditional Hawaiian language and concept of relation of man to land, that is, man is only the custodian of the land, and he is not to exploit and abuse the land (even though the legal title has been taken away from beneath their feet as a result of the *Great Mahele of 1848*. Keanae-Wailuanui on Maui have maintained the *kuleana* lifestyle of a taro growing community in an *ahupuaa*[3] grant to the king in the *Great Mahele of 1848*.[37] Maunalaha Valley community maintains a lifestyle in an urban residential section of the city of Honolulu at Makiki. The community encompasses the *ili*[38] of Poloke granted to chief Keawehano in the *Great Mahele of 1848*[39] as an award. The descendants of Keawehano still reside in the community as they always have.

EXCOMMUNICATION OF NAHIENAENA

The last surviving daughter of Keopuolani, Nahienaena, personified the poignancy of the legacy of Keopuolani. As a *puuhonua* (place or person of refuge)[40] Keopuolani never denied x

sanctuary to a person in need of refuge. But Nahienaena was excommunicated from the Christian mission church founded by Keopuolani,[41] which Nahienaena believed to be a Christian refuge, and Nahienaena was herself a *puuhonua* to her subjects (which included everyone who voted to excommunicate her). She and her brother, Kamehameha III, were the last sacred chiefs of the Kingdom of Hawaii. Nahienaena became a sacrifice to the abandonment of the *kapu* and the traditional way of life, dying at the prime of her life at the age of 21 years (December 30, 1836).

UA MAU KE EA O KA AINA I KA PONO

Seven years after the death of Nahienaena, Kamehameha III expressed the standard of the nation to be *UA MAU KE EA O KA AINA I KA PONO* (The life of the land is perpetuated in its righteousness) on the occasion of the restoration of the sovereignty of the kingdom by Great Britain. This standard has been enscribed as the motto of the governments of all of Hawaii thereafter.

AFFIRMATION OF DEMOCRACY BY ROYALISTS

Faith in the democratic process begun by Keopuolani, and protest against the use of power of the state to further purely mercenary motives and interests of individuals and class was reaffirmed as one of the first order of business of the first working day of the first legislative assembly in Hawaii under the American flag. In the process, the *Declaration of Independence of the United States of America* was read in both the Hawaiian and the English languages. The action was taken pursuant to a resolution introduced by Frederick William Beckley,[42] a senior member of the family charged to be the guardian of the royal family mausoleum and in a legislature controlled by Royalists.[43]

ADMISSION ACT LAND TRUSTS

The charge by Keopuolani was finally enacted into law as a part of the Admission Act for the State of Hawaii in the form of two land trusts encumbering all lands and properties patented to the State of Hawaii by the United States of America. Section 4 of the Admission Act established a compact between the State of Hawaii and the United States of America mandating the State of Hawaii to carry forward all of the provisions of the Hawaiian Homes Commission Act, 1920, as amended. Section 5(f) created a larger and more effective trust to make it possible to fully implement the concept of the land trust for Native Hawaiians as set forth in the Hawaiian Homes Commission Act, 1920, and for non-Native Hawaiians.[44] These compacts have been incorporated in the Constitution of the State of Hawaii as Sections 1, 2, 3, and 4 of Article XII.[45]

BREACH OF TRUST BY STATE

But the two federal land trusts lay practically buried for more than half a century. Native Hawaiians and their supporters protested, then filed law suits in Hawaii and in Washington, D. C. to complain about the breach of fiduciary obligations by the State and Federal governments and the officials concerned.[45a] Underlying such breach were individuals and corporations who manipulated and abused, and still continues to manipulate and abuse the power of government for their individual and group selfish interest and benefit against the interests of Native Hawaiians and non-Native Hawaiians.

CHANGE IN NATIVE HAWAIIAN DEFINITION

The most insiduous breach, that to change the definition of the term "native Hawaiian", was led and pressed forward by persons with less than 50 percent blood Hawaiian in pursuance to their "program."[46]

In 1974, the first step to destroy the land trusts for Native Hawaiians was begun by the passage of an amendment to the Native American Programs Act of 1974 to change the definition of a "native Hawaiian" as in the Hawaiian Homes Commission Act, 1920 (which provides 50 percent blood quantum or more) to a blood quantum of no minimal percentage.[47] In addition, the agency to carry out the "program" was also created.

In 1981, the second step was taken by passage of State of Hawaii, House of Representatives Resolution Number 377, and forwarding such resolution to Congress to change the blood quantum in the Hawaiian Homes Commission Act, 1920.[48] By so changing, virtually any person could become a "native Hawaiian" and thereby take over the identity and the last of the re-

maining resources from those who are in fact *NATIVE HAWAIIANS* and for whose relief the federal government had enacted into law the legacy of Keopuolani.

To accelerate the process, the State of Hawaii enacted into law *Act 272* in 1982, to lower the blood quantum of successors in the Hawaiian Home lands program from 50 percent to 25 percent. In so doing, the State openly abrogated the State Constitutional mandate and compact with the United States of America to uphold the integrity of the Hawaiian Homes Commission Act, 1920, and the interests of 7,500 Native Hawaiians on the waiting list to become lessees under the program. Many of these people have waited all of their lives, and the State took the action without their consent and endorsement. In contrast, there are only 3,000 lessees on the homestead program after 61 years. Further, each lessee have been informed when the application was filed for homestead that should their successors be less than 50 percent blood, such successor must vacate the Hawaiian Home leasehold to make way for a person on the waiting list who is of 50 percent or more blood Hawaiian.[49]

BASIS OF 50 PERCENT BLOOD DEFINITION

The legislative reasoning to limit the definition of "native Hawaiian" to 50 percent plus blood had undergone considerable discussion in Washington, D.C. and in Hawaii. The first Hawaiian Homes Commission Act bill had no blood quantum limitation. The second sets of bills limited the blood quantum to one-thirty-second. The last and final bill limited the blood quantum to 50 percent. This bill was introduced by Delegate Kuhio Kalanianaole.[50] The reasoning underlying the change was set forth in the "Statement of Mr. Harry Irwin, Attorney General of Hawaii," in testifying before the Committee on the Territories of the House of Representatives on June 9, 1921 after Delegate Kalanianaole had testified acknowledging the introduction of the new bill. Mr. Irwin's statement was as follows:[51]

> Mr. Irwin, Gentlemen, turning to the second page of the typewritten bill, you will find that the paragraph numbered 7 reads as follows:
> The term "native Hawaiian" means any descendant of not

> less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778."
>
> In the bill as it passed the House last year that read: "Not less than one-thirty-second part." That particular provision was the cause of a good deal of opposition on the part of the opponents of the bill, and in order to meet that opposition, and perhaps do away with some of the opposition, the legislature decided to amend that to read, "not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778," so as to make the proposition more distinctively a Hawaiian rehabilitation scheme. It was said by the opponents of the bill that a person of one-thirty-second Hawaiian blood was to all intents and purposes a white person; that as a matter of fact you could not tell the difference between a person having one-thirty-second part of Hawaiian blood and a white person. So in order to meet that objection this change is suggested and the provisions of the bill are confined to those with not less than one-half Hawaiian blood."

U.S. COMMISSION ON CIVIL RIGHTS

In response to a continual flow of complaints regarding the management of the two federal trusts for Native Hawaiians,[52] the Hawaii Advisory Committee to the United States Commission on Civil Rights held a public consultation in Honolulu on August 27, 1979, and published its report in October, 1980.[53] In the course of the consultation, the U.S. Department of the Interior admitted that the United States still maintains fiduciary responsibilities to Native Hawaiians concerning the land trusts.[54] The U.S. Department of Justice on its part has begun investigation into breach of trust by the State of Hawaii.[55] In the meantime, the U.S. Commission on Civil Rights continues to monitor the continued breach, and the effort to bury the breach.

FEDERAL-STATE TASK FORCE

The U.S. Department of the Interior finally took direct action regarding the rights of Native Hawaiians by submitting a letter, signed by the Secretary, to the Governor of the State of Hawaii, setting forth the failures of both governments, and presented constructive measures to together improve the land trust programs. A significant point in the letter was the calling for input of the community and the creation of a Federal-State Task Force. The substance of the letter was approved by the State of Hawaii.[56]

NATIVE HAWAIIAN LAND TRUST TASK FORCE

On May 30, 1981, the community component of the Federal-State Task Force was created by Native Hawaiians and their supporters as the Native Hawaiian Land Trust Task Force. Its purposes are to organize the Native Hawaiian community and to fully implement the two Admission Act land trusts for Native Hawaiians.[57] Since its formation, the Native Hawaiian Land Trust Task Force has conducted educational workshops throughout the State concerning the Federal-State Task Force.

OPPOSITION TO THE NATIVE HAWAIIAN LAND TRUST TASK FORCE

The effort of the Native Hawaiian Land Trust Task Force to organize the Native Hawaiian community has been met by total opposition by all State and federal agencies and private non-profit corporations and respective individuals concerned who have established themselves to serve the Native Hawaiian community. The effort to oppose and censor extends to all newspapers throughout the State.

BASIS OF OPPOSITION

The total opposition to the formation of the Native Hawaiian Land Trust Task Force and its effort to organize the Native Hawaiian community and for full implementation of the Admission Act land trusts is based upon the fact such actions would end the exploitation of Native Hawaiians. Each have in their own way worked to subvert the vested interests of Native Hawaiians. The inducement to corrupt, and which have corrupted people, directly and indirectly, have varied.

Of immediate interest have been the availability and control of millions of dollars to alleviate the "problem" of Native Hawaiians. After such expenditure, the "problem" still remains undiminished.

Also avilable are additional millions of dollars from the Admission Act land trusts, and also with the same result as the expenditure of federal tax moneys.

Of greater signficance has been the fact that Native Hawaiians are the people with vested interests in the land as "aboriginal people" whose rights have not been extinguished. Any use of land in Hawaii has to take into account such interests. To control such interests, state agencies have been created and individuals have been placed in positions to act for the Native Hawaiian community and thereby manipulate and exploit such vested interests under the guise of assisting Native Hawaiians.

The source of inducement to corrupt has changed over the years as wealth obtainable from different sources has changed, such as from sugar and pineapple or ranching. The threat and active effort to subvert still persists as new avenues for corruption have emerged and are being pressed forward.

RESISTENCE TO CORRUPTION

Many Native Hawaiians saw the insiduous signs of corruption in the 1840's. David Malo, one of the greatest Native Hawaiian scholar and one of the first graduates of Lahainaluna Seminary, led the protest movement in life.[58] In death on October 21, 1853, he continued the protest by being entombed, at his request, "beyond the rising tide of the foreign invasion" of the bad, on the slopes of Mount Paupau, in Lahaina, beside the big "L" signifying Lahainaluna, the torch of learning.[59]

FULFILLMENT OF THE PROPHETIC VISION

Finally, after the passage of eight trying generations after Keopuolani, and more than a century after the great chiefs of her generation had carried forward her sacred trust as far as they could, the tide has finally begun to ebb. And the prophetic vision of Keopuolani has unfolded through the oppressive burdens, for fulfillment by those who believe in such sacred trust—a vision of educated, working, productive, self reliant and self sufficient Native Hawaiian freemen, with their spiritual, social, and material resources, utilizing the two federal land trusts for the purposes of the trusts and the betterment of Hawaii, on the cornerstones of the *Declaration of Rights,*[60] the *Edict of Toleration,*[61] and the constitutions of Hawaii,[62] under the motto of Hawaii: *UA MAU KE EA O KA AINA I KA PONO.*

Honolulu, Hawaii, July 4, 1982.

Mitsuo Uyehara
Project Director
Native Hawaiian Land Trust Task Force

4

BIOGRAPHY OF WILLIAM RICHARDS

William Richards was born on August 22, 1793 at Andover, Massachusetts. He was the seventh child of James Richard and Lydia Shaw Richard. James Richard was a pensioned Revolutionary War veteran.[64]

William Richards was educated at Williams College at Williamstown, Massachusetts and graduated in 1819. He received his ministerial education at the Andover Theological Seminary from which he graduated in 1822. He was ordained at New Haven, Connecticut on September 22, 1822. He married Clarissa Lyman on October 30, 1822 at Northampton, Massachusetts then sailed a month later on the *Thames* for Hawaii with the second company of missionaries on October 30, 1822.

The *Thames* arrived in Honolulu on April 27, 1823. William Richards was assigned to Lahaina, Maui upon his selection by Keopuolani. He accompanied Keopuolani to Lahaina with his wife, C S. Stewart and his wife, and Taua and his wife. The party arrived in Lahaina on May 31, 1823, and commenced his service to Hawaii thereafter. Hoapilikane followed the charge of Keopuolani and appointed William Richards to be the foster parent and teacher of Nahienaena.

In 1836, William Richards left Hawaii for the United States to have his six older children educated. Remaining were his two younger children. He returned in 1838.

Upon his return, he was called upon by Kamehameha III to serve the kingdom full-time. His service continued until his death in Honolulu on November 7, 1847. He was granted an extraordinary state funeral officiated by the Catholic and Protestant missions. His body was transported to Lahaina for burial beside Keopuolani. Since he died with meager funds, the kingdom provided a pension for his wife. Shortly after burial, his wife left Hawaii for the United States.

During the course of his life, William Richards translated into Hawaiian several chapters of the Bible: Mathew (with Bishop), Mark, Acts, I Corinthians, James (with Andrews), 1 Peter, 2 Peter, Revelations, 1, 2, and 3 John and Jude (with Andrews) of the New Testament; and Exodus, Joshua (with Green), Judges and Ruth, Esther, Psalms 76-150, Isiah, Jeremiah and Lamentations of the Old Testament.[65]

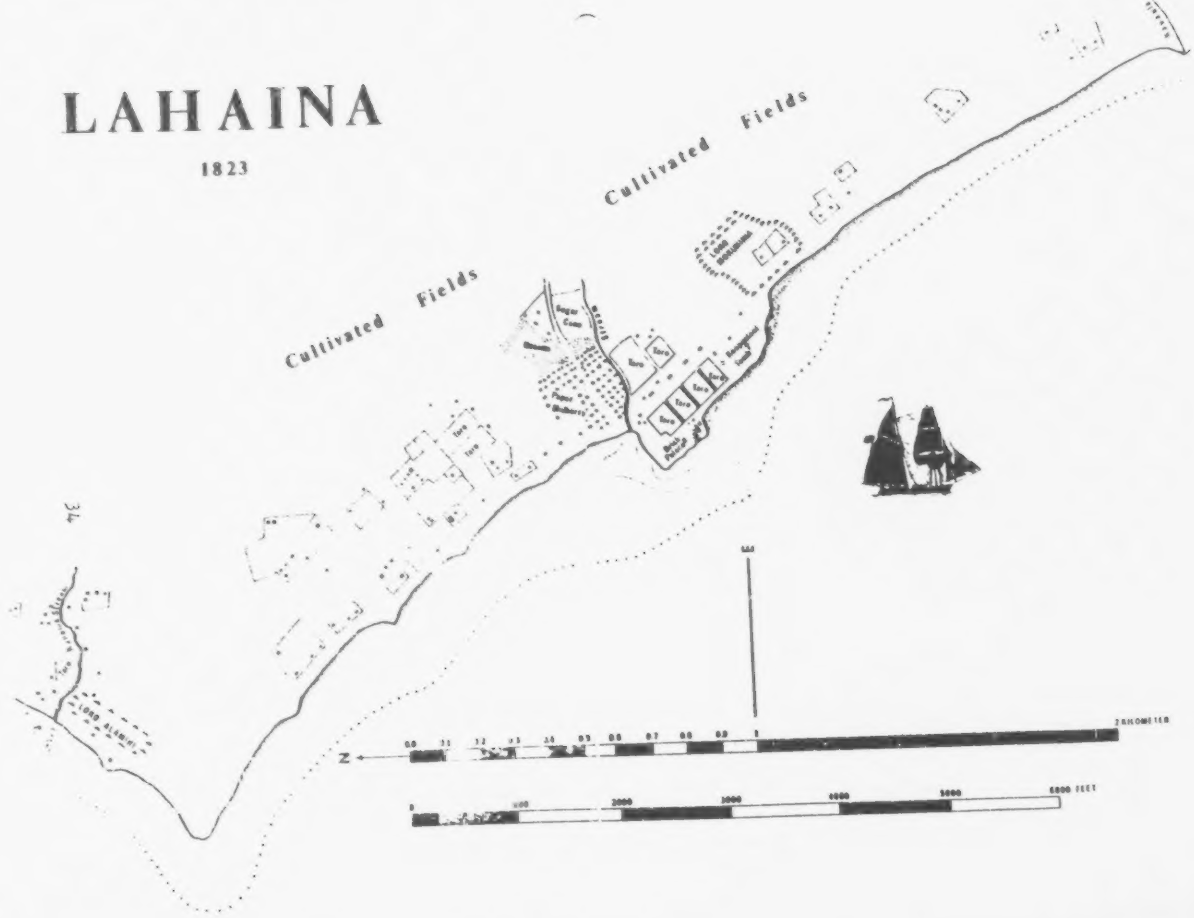
THE LAHAINA MAP OF 1823

Lahaina is situated on a flat, dry, coral plain covered with soil eroded from the West Maui Mountains. In August 1819, the French corvette *L'Uranie* arrived at Lahaina and Ensign L.I. Duperrey on board made a map on which the *Map of Lahaina in 1823* is based. Although Ensign Duperrey showed only 138 structures on his map, Andrew Bloxam, the naturalist of the H.M.S. *Blonde* counted about seven hundred huts on May 5, 1825 and estimated the total number to be nearly a thousand. James Macrae the botanist of the H.M.S. *Blonde* described Lahaina as follows:[63]

> The town of Lahaina on Mowee Island, is composed of a number of low thatched huts, scattered along the sea shore for about a mile in length, and in places nearly half that distance in breath. It lies on a level flat at the foot of the high mountains which rise abruptly in the central part of the island. At the west end of the town is a small grove of coco-nut trees....
>
> The town has no regular streets, being all cultivated and rather difficult to get from one end to the other on account of the taro pounds. It looked like a well cultivated garden, divided into allotments by mud walls enclosing each family hut and garden. Sugar canes grow with little trouble on the narrow ridges between the taro ponds, where they have also at times cotton, tobacco and cabbage. The tapa trees (*Bronsonettia*), from the bark of which they manufacture the cloth they wear, occupies a large proportion of their ground. It is neatly planted out in rows and kept free from weeds....
>
> The taro, I noticed, was cultivated to a greater extent than any other esculent. The ponds of water in which they cultivated it, are commonly square and of different sizes, about four feet deep from the level surface, and the bottom covered with water to a depth of from 2 to 2 1/2 feet. The water is constantly supplied from a neighboring stream by means of a small canal emptying itself from one pond to another, until at last it reaches the seashore. These ponds are used for keeping fish and ducks as well as for growing taro. In general they are kept free from weeds and rushes, and are planted with surprising regularity....
>
> Round the sides of the ponds, by the edge of the water, is often planted what they term the tea tree (*dracaena terminalis*).

Prominent features on the map are the royal taro fields at the "Point", and the paper mulberry, sugar cane, and banana fields of the American, E.R. Butler.

Of interest is the first mausoleum of Keopuolani which was situated slightly seaward of the present site of the Kamehameha III school. It was surrounded by a wall built of stones from the heiau.


LAHAINA
1823
Cultivated Fields
Cultivated Fields
Sugar Cane
Paper Mulberry
Taro
Taro
Taro
Taro
Taro
Taro
Taro
Brick Palace
LORD ALAMIHI
34
N
0.0
0.1
0.2
0.3
0.4
0.5
0.6
0.7
0.8
0.9
1
2 KILOMETER
0
1000
2000
3000
4000
5000
6000 FEET

MEMOIR

OF

KEOPUOLANI,

LATE QUEEN

OF THE

SANDWICH ISLANDS.

"Kings shall be thy nursing fathers, and their Queens thy nursing mothers"

Boston:
PUBLISHED BY CROCKER & BREWSTER,
No. 50, Cornhill.
1825.

INTRODUCTION.

The present seems to be an appropriate time to reprint this brief memoir of Queen Keopuolani, the earliest convert to Christianity at the Hawaiian Islands. She was a worthy compeer of Kapiolani and Kaahumanu, and her life gave signal evidence of the transforming power of the Gospel. This narrative was drawn up by Rev. W. Richards at Lahaina in 1824. At that time the orthography of the Hawaiian language had not yet been settled, but it has not been considered necessary to change the original spelling, except in case of evident misprints. The proceeds arising from the sale of this little book are to be given to the Hawaiian Mission Children's Society.

W. D. A

PREFACE.

This memoir was drawn up at the Sandwich Islands, by one of the missionaries at Lahaina, and was forwarded to the Prudential Committee of the American Board of Commissioners for Foreign Missions. All the material facts which it contains, were derived from personal observation, or by conversation with the older chiefs of the islands, and the work bears strong internal marks of being throughout an authentic narrative. As such, it is sent forth by the Committee, with the hope that, by the blessing of Almighty God, it will render important service to that department of Christian benevolence, which has for its object the moral improvement of the heathen world.

This Memoir will probably be published by the London Missionary Society, about the same time that it issues from the press in this country.

Missionary Rooms,
Boston, Mass., June, 1825

MEMOIR

OF

KEOPUOLANI

CHAPTER I.

MEMOIRS UNTIL HER MARRIAGE WITH TAMEHAMEHA.

Her nativity and family.—Wars of Tamehameha. —He takes Keopuolani prisoner, and makes her his wife.

KEOPUOLANI was born in the year 1778, at Pahoehoe, in the district of Wairuku, on the northeast side of Maui, one of the Sandwich Islands. Her name, like most other names in these islands, was significant, and one which the people generally would not venture to appropriate to themselves, or their children :—

Ke - - opu - - - o - - - - - lani,
The collecting of heaven.
Or, The gathering of the clouds of heaven.

She was often called by other names, as *Kai*, (the sea,) *Makuahonaukama*, (the mother of many children,) *Kalanikauikealaneo*, (the heavens hanging cloudless.) Her original name, however, and the one by which she was usually called, was *Keopuolani*.

The family, from which she descended, by her father, had governed the island of Hawaii, (Owhyhee,) for many generations. The family from which she descended by her mother, had long governed Maui, (Mowee,) and for a time had also governed Ranai, Morokai, and Oahu (Woahoo.)

For several generations, there had been frequent intermarriages between the reigning families in different islands, so that the two families, from which Keopuolani descended, were nearly connected with each other.

Her father's family had been particularly distinguished as far back as its history can be traced. Her father's name was Kauikeaouli.* He was king of Hawaii at the time of his daughter's birth, but was slain, about two years after, in a sanguinary battle with Tamehameha.

His father, and Keopuolani's grandfather, was Taraniopu, often called Taraiopu,** and was king of Hawaii at the time it was visited by Capt. Cook, in 1777. This was the king, whom that celebrated navigator was leading by the hand on a visit to his ship, when the jealous rage of the natives burst on the innocent man, and terminated his enterprising and useful life.

All who have read the English history of the death of Capt. Cook, will be pleased to know, that the natives themselves give the same general account of it as was given by Capt. Cook's officers.

The wife of Taraniopu, and grandmother of Keopuolani, was Kalola, daughter of the king of Maui. She threw her arms about her husband's neck, while he was walking with Capt. Cook, compelled him to desist from his visit, and furnished the natives an opportunity for commencing their fatal attack. She was, also, the nurse and guardian of Keopuolani during her early years.

The mother of Keopuolani was Kekuiapoiwa, daughter of Keoua, a younger brother of Taraniopu. She was also half sister to Tamehameha.

At the time of Keopuolani's birth, her parents were in Maui, on a visit to Kahekiri, who was the uncle of Keopuolani, and at that time king of Maui, Ranai, Morokai and Oahu.

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*Alias Kiwalao.
**Terrecoboo in Cook's Voyages.

Kauikeaouli and his wife soon returned to Hawaii, leaving their infant daughter under the care of her grandmother Kalola, where she remained until Maui was conquered by Tamehameha in 1790.

The reader may perhaps, inquire why she was at this early period separated from her parents. It should therefore be mentioned, that it is not customary with the chiefs to bring up their own children.

A chief, from the time of his birth, has a train of attendants, almost as numerous as when he arrives at manhood. He has, also, a nurse, or guardian, and wherever he goes, although he may be carried in his nurse's arms, one man follows bearing a fly-brush, another a fan, another an umbrella, another a spit-box, another a pipe, and usually a large company of other attendants, all of whom anxiously wait the nod of the child. Thus it was with Keopuolani.

At the early age of thirteen, she became the wife of Tamehameha, the late king of all the islands. The character, wars, and exploits of this celebrated man would afford sufficient matter for a volume. In this place we can only mention two or three circumstances respecting him.

He was the son of Keoua, a younger brother of Taraniopu, and was not among the highest chiefs, being only cousin to the reigning king. His authority was confined originally to two districts. Even during his minority, he manifested a great degree of enterprise and strength of character. In the year 1790, he rebelled against his cousin Kauikeaouli who had been on the throne only two years, and slew him in a sanguinary battle.

Tamehameha then went to Maui with all his forces. Kahekiri, who has been already mentioned, to whom this island belonged, resided then at Oahu. Tamehameha, therefore, succeeded in taking Maui without much bloodshed. Keopuolani, now twelve years of age, and celebrated for her beauty, fell into his hands as a prisoner.

Her grandmother immediately betrothed her to the conqueror, who soon proceeded to the island of Morokai. He had but just arrived when intelligence reached him, that Keoua, a younger brother of the king whom he had just slain, had risen in arms, and was taking possession of Hawaii.

Tamehameha took his newly betrothed bride and returned in haste to his own island, where he soon succeeded in quelling the rebellion. Having been jealous of this chief, he had made a treaty with him. After the conclusion of the treaty, according to the custom of the country, a pig was slain, signifying that thus it should be done to the party by whom it should be violated. When, therefore, the vanquished chief was taken, he was put to death; though by some it is said, that it was not in consequence of the king's order, who designed to have pardoned him.

At this time Kahekiri sent from Oahu, saying to Tamehameha, "You and I are friends. We are brothers. Let us not fight. Come not to this place, for if you come I must defend myself. You are young and I am old. Wait till the black tapa covers me. Then you will be king alone." Tamehameha respected his message.

After his death, Tamehameha repaired with his forces to Oahu, where he met with a spirited resistance from the chiefs of that island. But he soon gained the ascendency, and, excepting Tauai, (Atooi,) became king of all the islands.

CHAPTER II.

FROM HER MARRIAGE TO THE ESTABLISHMENT OF THE MISSION IN MARCH 1820.

Her children.—Veneration for her person.—Plurality of husbands.—Humanity of her disposi-

tion.—Human sacrifices on account of her sickness.—Nature of the tabu.*—Keopuolani consents to its abolition.—Further proofs of the reverence in which she was held, and her consequent personal sacrifices in the destruction of the ancient system.*

AFTER this Tamehameha took up his residence at Kairua, on the island of Hawaii. Keopuolani became his wife in the year 1791. At seventeen she was a mother; but her first son, bearing the name of the present king, died at an early age.

Her second son, Rihoriho, the late king, was born in the year 1796.

Besides these, she has borne nine children, five sons and four daughters. Of her eleven children two only are living, Kauikeaouli, and Nahienaena, the latter of whom now takes the name of her mother.

Keopuolani, while her husband lived, usually resided with him at Kairua. This, however, was by no means their constant dwelling place, although it was a favorite one. No chief on the Sandwich Islands is confined to one, two, or ten places of residence, and nearly all the high chiefs divide their time between the different places of importance. Thus it was with Keopuolani. A part of her time she spent at Hawaii, a part at Maui, a part at Oahu, and a part at Tauai.

Besides Keopuolani, Tamehameha had three, and at one time, four, other wives. These all followed him wherever he went. It does not appear that Keopuolani was his particular favorite, except as she was much the highest chief upon the islands.

Agreeable to the practice of all the females in the country, she accompanied her husband in all his battles. Her person was counted so sacred, that her presence did much to awe an enemy.

She was permitted by the king to have another husband. Hers was not a privileged case, however, for nearly all the chief women, especially those who are higher in rank than their husbands, follow the same practice.

The second husband of Keopuolani was Karaimoku (Krimakoo.) He sustained that relation only a few years, and after him she chose Hoapiri, who continued her husband until her death, and as such was evidently much beloved.

As a wife she was tender and affectionate. Her sister queens now speak of her with admiration on account of her amiable temper, and mild behavior. For these qualities her husband was not remarkable; and on this account her native excellence shone with additional brightness. Often was her compassion manifested towards those, who had broken *tabu**, violated the laws, or otherwise incurred the king's displeasure. These, if their crimes were not heinous, or if they had any reasonable excuse, always fled to her, and were safe under her protection.

Many of the high chiefs, who have pursued a very different line of conduct themselves, now say to Keopuolani's praise, "She was never the means of any person's being put to death." She was always remarkably strict herself in the observance of *tabu*, although she was mild in her treatment of those who had broken it.

About the year 1806, while at Waititi, in Oahu, she was taken sick, and fears were entertained that she would not recover. Various means were used, but without any effect. At length a priest was consulted respecting her, who immediately pretended to tell the cause of her sickness. He had just heard of some men, who had been eating cocoa nuts, and had thereby broken tabu; for in those days cocoa nuts were prohibited to all common people. The priest said, that as Keopuolani was descended from the gods, they were offended

*The restraints enjoined by their system of idolatry.

with the men, and had afflicted her with a sickness, from which she would not recover unless the men were offered in sacrifice.

According to the advice of the priest, orders were immediately given by Tamehameha, that ten men should be taken. The orders were obeyed, and the men quickly obtained. A gracious God saw best however to spare part of the number, and to remove all excuse for sacrificing any. Before the time appointed for offering them arrived, the alarming symptoms of Keopuolani's disorder abated, and confident hopes of her recovery were entertained. Seven of the intended victims were consequently unbound, but the other three were slain and laid upon the altar, which had before often been stained with the blood of human victims. It would seem that Keopuolani had no knowledge of these transactions until they were past.*

After Keopuolani's recovery from the sickness mentioned above, we know but little of her, until the death of Tamehameha, and the accession of Rihoriho to the throne, which took place in the year 1819.

When the high priest of the island had given his opinion in favor of abandoning idolatry, it appears that a general consultation among the chiefs was held respecting this measure. They generally expressed their dissatisfaction with the system; and then, as Keopuolani had not been present, Karaimoku and Kalakua went to converse with her. She inquired particularly into the reason for the course which they recommended, and at first seemed unwilling to join them. "What," said she, "is the fault of the system, that it should be discontinued, and what evil have our gods done to us, that they should be burned?"

*The practice of offering human sacrifices has been common in these islands from time immemorial. The special occasions, on which they were offered, were, the dedication of Heiaus (temples,) the sickness of high chiefs, and the approach of great battles.

A short account of the system they were about to abolish, will perhaps be acceptable in this place.

During the existence of the tabu, or days of prohibition, no person except a chief, or priest, must presume to eat a cocoa nut, no female must eat pork; males and females must never eat with each other, or even from the same dish; and if by any means a man was found upon a tree, or on the mast of a vessel, or in any other place over the king's head, his life was forfeited to the gods. The same was the case with a man who by accident placed his hand over the king's head.

Besides the tabu above described, which were perpetual, there were others embracing certain days in the year, when no fishing canoe must be seen in the water, nor any man out of his house. At this time, also, the priests, taking some image with them, usually went from island to island collecting the taxes for the gods. The penalty for breaking tabu was death.

When a sacrifice was wanted, and no criminal could be found, they imposed a new tabu of such a nature as to present a strong temptation to some person or persons to break it; perhaps it was laid secretly, and then whoever should be so unfortunate as to break it, was immediately seized, by persons on the watch, and hurried away to the altar.

A foreign resident has told us, that, on one of these days of restriction, he saw a canoe sailing out in front of several houses, and upset by the surf. One of the men afterwards appeared to be drowning. An old man of tender feelings sprang from his house to save the sinking man. In an instant he was seized by the servants of the priests, carried to the adjacent temple, and there sacrificed. In the mean time, the man apparently drowning jumped into his canoe, and rowed away.

To these shocking practices Karaimoku and Kalakua alluded, during their interview with Keopuolani. She said, "You indeed speak very properly. Our gods have done us no good; they are cruel; let the king's wish and yours be gratified."

The person of Keopuolani had ever been counted particularly sacred. At certain seasons no persons must see her. In early life, she never walked abroad except at evening, and all who saw her walking at that hour, prostrated themselves to the earth. Being held in such reverence, it was a greater sacrifice in her to renounce the old system, than in those who were less venerated.* Providence seemed already to be preparing her mind for the Christian religion, with which she was shortly to be made acquainted.

CHAPTER III.

FROM THE ESTABLISHMENT OF THE MISSION TO HER REMOVAL TO THE ISLAND OF MAUI.

Consultation among the chiefs, on the arrival of the American missionaries.—Keopuolani approves of their settlement.—Her temporary sickness.—Receives into her family a pious native of the Society Islands as a teacher.—Some account of her conversation.—Dismisses one of her husbands.—Her manner of receiving the new missionaries.—Removes to Lahaina and requests that some of the missionaries would accompany her.

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*Vancouver in his Voyages, relates a circumstance, which corroborates these remarks. Describing a hura, (dance) which he attended near Kearakekua bay, he says,—"The piece was in honour of a captive princess, whose name was Crycowculleneaow, (Keraikaukealaneo, one of Keopuolani's names,) and on her name being pronounced, every one present, men as well as women, who wore any ornament above their waist, were obliged to take them off, though the captive lady was at least sixty miles off. This mark of respect was unobserved by the actresses who engaged in the services, but the instant any one sat down, or at the close of the act, they were also obliged to comply with this mysterious ceremony."

On the arrival of the American missionaries in April 1820, all the chiefs were consulted respecting the expediency of their establishment in the islands. Some of the chiefs seemed to doubt; but Keopuolani without hesitation approved their proposals. She ever after appeared friendly to the mission, and favored the *Palapala**. She did not, however, devote herself to instruction until August 1822. Shortly after this period, she went to Waititi in Oahu, where a protracted illness gave her leisure, and seemed to lead her to think of a future state.

During her sickness, she received visits from the missionaries by her particular request, and usually had preaching in her *Ranai*** on the Sabbath.

In February 1823, Keopuolani and her husband Hoapiri expressed a desire to have an instructor connected with them. They selected Taua, a native teacher sent by the church at Huaheine, in company with the Rev. Mr. Ellis, to instruct them and their people in the first principles of the Gospel, and teach them to read and write. Their choice met the approbation of the mission, and with them Taua resided until the death of Keopuolani. He proved a faithful teacher, and by the blessing of God, we believe, he did much to establish her in the Christian faith. From him we have received accounts of several of her questions, and of his answers on the subject of Christianity.

One morning, when confined to her couch, with many of the chiefs and people about her, she said to them, "I wish you all either to retire, or be silent, for I desire to pray to Jesus Christ, and must have no interruption." The chiefs immediately began to laugh at her request, and seemed unwilling to comply with it. With great resolution she reproved them for their impiety, told them they still kept their "dark hearts," and insisted that her request should be granted. One chief seconded her request, and though the others continued to oppose, she succeeded, and enjoyed a season of prayer.

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*The whole system of instruction is called by this name.
**Temporary house made of cocoanut leaves, or rushes.

At another time, during the same illness, a high chief, whom she tenderly loved, came to her and said, "Let us two drink rum together again, as formerly. Enough of this new word. Let us cast it away, and attend to it no more." Keopuolani replied, "I will never adopt that evil custom. I am afraid of the everlasting fire." She then turned to Taua and said, "My heart is much afraid I shall never become a Christian." He replied, "Why what is in the way?" She said, "I think I am likely to die soon." He replied, "Do you not love God?" She answered, "O yes, I love—I love him very much." Taua then communicated farther instruction suited to her case. At the close of the conversation she said, "Your word, I know, is true. It is a good word; and now I have found, I have obtained a Saviour, and a good King, Jesus Christ."

At one time, when a larger number of people than usual were present, she experienced a relapse in her disease, and some of the spectators apprehended she was near her end. She immediately sent a messenger to Taua to come and pray with her. When he arrived, the house and ranai were filled with chiefs and people. When about to enter, some of the chiefs stopped him at the door, and told him he must not go in, for there was no room. They then went to Keopuolani, and told her it would not be well to admit him, for he was a bad man, and would tell her many lies. She said, "My teacher is not bad; he tells me no lies:—let him come in, for I greatly desire to see him." They replied, "The house is full, there is no room." She said, "Then you must make room." They said, "What do you want of this Tahitian?" She answered, "He is my good Christian teacher, and now while I am sick, I desire that he may come and speak to me, and pray with me." They said again, "The house is full, he cannot come in." She said to them, "Why do you say there is no room? There is room enough. I have done praying to my old gods, to stones and wood, and my desire now is, that while I lie here, my Christian teacher should come and pray with me to Jesus Christ."

Much conversation followed, during which some of the people, encouraged by a few of the chiefs, threatened Taua's life. But he still remained at the door, with the Gospels in his hand.

At length Keopuolani said, "Taua come into the house and pray with me." Some of the chiefs were still intent on stopping him, when the king approached saying, "Let him go in, and let all the chiefs and people be perfectly quiet while the good teacher of my mother prays to Jehovah."

When nearly recovered from this illness, she called on one occasion to her teacher, and inquired, what she should do, as she had two husbands.

He answered, "It is very proper for a woman to have one husband, and a man one wife; but Christian females never have more than one husband." She said, "I have followed the custom of my country; but we have been a people of dark hearts. I have had two husbands, but since I thought it wrong, I have not desired more than one. I wish now to obey Jesus Christ, and to walk in the good way. Hoapiri is my husband,—my only husband. The other man I will now cast off."

She then called him and said, "I have renounced our old religion, the religion of wooden gods; I have embraced a new religion, the religion of Jesus Christ. He is my King and Saviour, and him I desire to obey. Hereafter I must have one husband only. I wish you to live with me no longer. In future you must neither eat with my people, nor lodge in my house."

From the time of her sickness, she manifested a strong desire that her people might attend to instruction. She frequently advised them on this subject; occasionally even commanded them. At one time, a sermon was to be preached in her house, and nearly all her attendants were out of doors. She said, "Some people have ears, and some have not. All those who have ears, are requested to come in; those who have no ears, may stay out."

She did not entirely recover from the illness already mentioned, until the arrival of the missionary reinforcement from America in April 1823.

While Mr. Bingham was conducting religious service with her at Waititi one Sabbath morning, intelligence was communicated, that the reinforcement had arrived at Honoruru. At the conclusion of the service, Kekauonohi, one of the king's wives, returned, in company with Mr. Bingham, to Honoruru, a distance of three miles, with a request from Keopuolani, Taumuarii, and other chiefs, that the new teachers would meet them there at the afternoon service.

Those who had the pleasure of being introduced to her on that day, will never forget the mild and beautiful expression of her countenance, when she raised her head a little from her pillow to bid them a joyful welcome to the islands.

As soon as she learned that a physician had arrived she requested medical aid. Dr. Blatchely visited her several times, and rendered essential service, which was gratefully received.

At one time, Dr. Blatchely, in company with Mr. Ellis, called upon her as they were on their way to the king's residence. As they took leave, she inquired where they were going. On being informed that they were about to conduct evening worship with the king, she said, "It is very proper that you should go and pray with my son. Pray *for* him too. I love him much, and I greatly desire that he should become a good king and love Jesus Christ."

About the last of May, she made known to the mission her intention of taking up her permanent residence at Lahaina, in Maui, her native island.

Keopuolani specially requested, as did also the king and chiefs, that missionaries might accompany her. As Lahaina had been previously selected for a missionary station, the missionaries were happy to commence their labors there under such auspices. Messrs. Richards and Stewart therefore accompanied her, resided near her, enjoyed her patronage, and had the privilege of instructing her until her decease.

CHAPTER IV.

FROM HER ARRIVAL AT LAHAINA TO THE COMMENCEMENT OF HER LAST SICKNESS.

Her kindness to the missionaries.—Daily worship in her family.—Her diligence in study.—Her desire for religious knowledge, and firm attachment to the Christian religion.—Her exemplary conduct.—She erects a house for the worship of Jehovah.

On the 31st of May, Keopuolani arrived in Lahaina, with Messrs. Richards and Stewart and their families. On their passage she told them she would be their mother; and indeed she acted the part of a mother ever afterwards. On the evening of Saturday, the day of their arrival, she sent them as much food, already cooked, as was necessary for their comfort at the time, and also for the next day, which was the Sabbath.

Immediately on their arrival, she requested them to commence teaching, and said, also, "It is very proper that my sons (meaning the missionaries) be present with me at morning and evening prayers." They were always present, sung a hymn in the native language, and when nothing special prevented, addressed through an interpreter the people who were present, when Taua, or the interpreter, concluded the service with prayer. These seasons were usually interesting. Often in conversation she would introduce the subject which had been discussed, and ask important questions respecting it.

She spent a principal part of her time every day in learning how to read, and notwithstanding her age, numerous cares, constant company, and various other hindrances, made respectable proficiency. She was indeed a diligent pupil, seldom weary with study; often spent hours over her little spelling book; and when her teachers rose to leave her, rarely laid it aside, but usually continued studying after they had retired.

She was apparently as diligent in searching for divine truth, as in learning to read, and evidently gave attention to her book, that she might know more of her duty to her Maker.

She omitted no favorable opportunity of making inquiries on such religious subjects, as were from time to time presented to her mind. One morning as Mr. Richards went to attend prayers with her, she said, "I think much about the love of Jesus Christ, which you last night described to us." She said she loved Jesus Christ much, and immediately sent for an engraving, on which the Saviour was exhibited on the cross. Mr. Richards pointed to the man holding the spear, and said, "wicked man." She immediately inquired the characters of all who were represented there. The expression of her countenance, while she contrasted the characters with each other, was such, that it was noticed by all around; and the impression made on her mind was never afterwards eradicated.

Not many days after this, Mr. Stewart called on her, and found her reclining on her settee, apparently in deep thought, and giving no attention to any thing about her. He heard a number of exclamations in her own language, accompanied with expressive gestures, as though she were in distress. Her exclamations were, "O the punishments of wicked men! They will cry for water, O yes, they will cry for water; but there will be no water, none at all, not even a drop for their tongues!"

Many other similar accounts might be given, but these are sufficient to show the impression made on her mind by the truths which she heard.

She often spoke of the goodness of God in sparing her life when she was sick, that she might learn more of the good way which leads to heaven.

She made many interesting inquiries respecting the guilt of her ancestors who worshipped idols. On one occasion she closed these by saying, "The great guilt is ours, who know the good way, but do not walk in it."

So decided was her stand in favor of Christianity, that she thereby incurred the displeasure of many of the people, and of some of the chiefs. But their opposition, instead of driving her from the ground she had taken, only gave her an opportunity of showing more fully the firmness of her principles, and the strength of her attachment to the Christian cause.

Soon after she arrived at Lahaina, a high chief, to whom she was greatly attached, came to her and said, "You study too much; it is not good. You are an old woman, and it would be well for you to study but little." She replied, "I am indeed an old woman, and shall die soon; I must therefore endeavor to learn fast, or I shall die before I obtain the good I seek." The chief replied, "Well, you ought not to build so many houses. You have built two houses for the missionaries and one large meeting-house, and now you are about building a school-house. All this is not well." She answered, "Karaimoku says it is well, and Taua my teacher says it is well and I am sure it is well." He said, "No. Taua tells you lies; he is a bad man, and you had better send him away." She said, "You are wrong; he is not a bad man; I shall not send him away; he tells me no lies, none at all."

Soon after this, this same chief proposed that she should send away the missionaries, and give up the whole system of instruction. She replied, "Why? what is the wrong?" He said, "Their instructions are not good. They bind us too close. They will not permit us to drink rum, or to do as we formerly did. Their instructions are false and bad. Let us do as we formerly did. It does no good to sing and pray. Let us, I say, do as we formerly did, and drink a little rum together." She replied, "Why do you call my foreign teachers bad? They are good men, and I love them. Their religion is good. Our old religion is good for nothing. Their ways are all good, and ours are bad. Are not their instructions the same as formerly? You then said they were good, and told me I must regard them, and cast away all my old gods. I have done as you said, and I am sure I have done well. But you now disregard the new religion, and desire me to do the same. But I will not. I will never leave my teachers. I will follow their instructions, and you had better go with me, for I will never again take my dark heart."

Soon after this, several chiefs combined to turn her from the course she was pursuing. They said, "We have just learned the truth respecting these new things, about which the missionaries tell us.

We find that a part of what they tell us is true. It is well to attend to reading and writing; but prayer, and preaching, and Sabbaths, are of no consequence. We have been told, that in India they can read and write very well, and have so much property that all the people in England and America go there after it; and yet they keep their gods of wood and stone just as they always did. Now our advice is, that we attend strictly to reading and writing, but that we give up prayer, preaching and Sabbaths, for these will never increase our riches."

Before Keopuolani gave any answer, she sent for Taua, and inquired respecting India, and then replied; "the people of India are still heathens. They are still in darkness of heart as we formerly were. If you wish to keep your dark hearts, and be heathens, and live like the people of Satan, then live so, and give up the Sabbath and prayer, and when you die go to Satan and the world of misery; but trouble me no longer."

These examples are sufficient to shew with what spirit she resisted the attacks, which were made upon her by those opposed to Christianity.

To most religious duties with which she was acquainted, she was particularly attentive. At stated seasons she called on Taua to pray with her; but she desired him always to be near, that she might easily call upon him at other times.

Taua has informed us that she spent the greater part of one night in asking him questions, and in prayer. She was at that time particularly anxious, because she thought she did not know how to pray. She said, "I knew very well how to pray to the idols, but how to pray to Jesus Christ, I do not know. You must pray for me." After he had prayed, she added, "Now tell me about Jesus Christ." He related the particulars of his crucifixion, and as he spake of the nails driven through his hands and feet, she burst into tears, and exclaimed, "Stop, I can hear no more; I and all my people are wicked and cruel like those murderers."

Perhaps she in no case manifested a stronger attachment to Christian duties than during a visit to Morokai. While on this visit, she had much to engage her thoughts and occupy her time. Yet this venerable queen regularly retired every morning and evening, to offer up her prayer to that God who seeth in secret.

On the Sabbath too, she gave evidence that she needed not the example of others to induce her to attend to the duties of the day. In the morning she was in a house with the other chiefs, many of whom were noisy, and some intoxicated. She called Taua and said to him, "We are now away from the missionaries, but we must not forget the Sabbath, the day of God. Let us, with some of the people, retire, that we may sing and pray." They then went to a small house at a little distance from the company, and enjoyed a season of worship there. At evening she said to one of the chiefs, who had disregarded the day, "You and I have each of us our Christian teacher. You formerly told me, that I must observe the new religion, and keep the Sabbath. I have done so, but now you neglect it. You do not love prayer; you do not love the good way, nor walk in it. My heart is sorry for you, and on your account I often weep alone."

She approved of Christian burial, and was anxious to introduce it among her people. On the death of one of the inmates of Taua's family, she requested Mr. Bingham, then on a visit to Maui, to conduct the funeral service. Dressed in black tapa, and followed by an attendant, bearing a black kahili, she herself then attended as a mourner, and appeared peculiarly interested in the exercises.

We have already alluded to the circumstance of her erecting a house for the worship of God. This house was dedicated on the 24th of August.

Those who then saw her will never forget the expression of her countenance, as she heard the translation of the hymn,—

"Blow ye the trumpet, blow
"The gladly solemn sound," &c.

Her conversation and her whole appearance on this day, well became so solemn and interesting an occasion. It was the first house ever reared to the praise of Jehovah on the island of Maui, and although Keopuolani little thought that after this day she was no more to worship in the house she had built, yet the joy she manifested, the exertion which she made to understand every word of the sermon, the wishes she expressed to have all her people enlightened in "the good way," conspire to make us feel, that the Lord by his holy Spirit was fast preparing her for himself.

Could she, with a prophetic eye, have looked forward to her end, like the aged Simeon she doubtless would have said, "Lord, now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation."

This sentiment indeed she often expressed, when speaking of the goodness of God in permitting her to live to see his missionaries; often also regretted that they had not arrived earlier. At one time she said, "What a pity it is you did not come in the days of our childhood."

From the account already given, it will be seen, that hers was not the religion of a sick-bed merely, nor yet a religion assumed for the sake of gaining popularity.

CHAPTER V.

HER LAST SICKNESS, DEATH AND BURIAL.

Her sickness.—Is visited by the missionaries.—Charge to Karaimoku, and Keeaumoku.—Her *solicitude for her children.—Charge to the king and her other children.—Her dying hopes.—Desires Christian baptism.—She is admitted into the visible church.—Her death.—Wailings.—Funeral.*—CONCLUSION.

ON the last week in August, Keopuolani began to be seriously affected by a local indisposition, which soon seemed to relax her whole system, and in her view was a premonition of her approaching dissolution. On the first day of September, the chiefs began to collect in consequence of her illness. This was agreeable to their universal custom. Whenever a high chief is taken ill, although there may be nothing threatening in his illness, all the chiefs assemble from every part of the islands, and wait the result. Thus it was in Keopuolani's sickness. Vessels were despatched to the different islands before there was any occasion for alarm. It was not many days, however, before it was seriously apprehended that the disease would prove fatal.

On the evening of Tuesday the 8th, the chiefs and people were suddenly alarmed and supposed her to be dying. The exclamation "*Ua make Keopuolani,*" *Dead is Keopuolani,* was to be heard through the village.

Although it was late in the evening, a messenger was sent to inform the mission family, several of whom immediately repaired to her house expecting to see her die. As soon as she heard the voice of the females, she raised her head a little, and with a pleasant smile reached her hand to them, and said "*maitai,*" (good,) intimating that they had done well in coming to see her at that late hour. She added, "I love the Great God," and soon after, "Great is my love to God." She requested that one of the missionaries should stay with her, and Mr. Stewart accordingly spent the night there.

In the morning she was a little better, and some hope was entertained that she might recover. By the king's direction, a vessel sailed immediately to Honoruru for Dr. Blatchely. Her mind was still active, and the counsel and instruction which she gave to those about her, shewed that her senses were unimpaired. She manifested a great degree of solicitude for her children, several times calling them to her side and giving them Christian advice.

She often conversed with her husband, Hoapiri, on the goodness of God in sparing her life to see his servants, to hear his word, and know his Son.

In her first interview with Karaimoku, after he came to Lahaina, she said, "Great is my love to the word of God, by which I hope my mind has been enlightened. The word of God is a true word, a good word. Jehovah is a good God. I love him, and love Jesus Christ. I have no desire for the former gods of Hawaii. They are all false. But I love Jesus Christ. I have given myself to him to be his. When I die, let none of the evil customs of this country be practised at my death.* Let not my body be disturbed. Let not my bones be separated and the flesh taken off, as in the days of dark hearts; but let my body be put in a coffin. Let the teachers attend and speak to the people at my interment. Let me be buried in the ground and let my burial be after the manner of Christ's people. I think very much of my grandfather Taraniopu, my father Kauikeaouli, my husband Tamehameha, and all my deceased relations. They lived not to see these good times, and to hear of Jesus Christ. They died without knowing Jehovah the true God. They died depending on false gods. I exceedingly mourn and lament on account of them, for they saw not these good times."

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*At the death of chiefs, their bodies were always cut in pieces, the flesh burnt, and the bones preserved. These were committed to the care of some chief, and during his life were venerated, or indeed worshipped. When the chief died who had the charge of the bones, they were

Soon after she had said this to Karaimoku, she called Keeaumoku, (Governor Cox,) and said to him, "When I am dead, let it never be said that I died by poison, by sorcery, or that I was prayed to death; for it is not so." There was much reason for this charge, because it has been the universal opinion, that chiefs usually died by these means. It has been supposed, that if a priest could by any means obtain the spittle of any person, he could then succeed in praying him to death. For this reason every chief had an attendant following him with a box to receive his spittle, lest a priest should get it and pray him to death.

A few days before her death, she called her husband, and said to him "See that you take good care of Nahienaena, (her young daughter.) See that she is instructed in reading and writing, that she may learn to love God and Jesus Christ. Do not be weary in your attention to her, for it is a good thing for her to learn the good way.

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secretly conveyed to some unknown place, and nothing more was heard of them. In some rare cases, however, they were preserved for two generations. The prevalence of this practice accounts for Keopuolani's charge respecting her remains.

The common people are buried secretly in the night. This practice prevails universally through the islands, except among the few who regard the instructions of the mission.

The "evil customs," of which Keopuolani spoke, were of the most criminal kind. It had from time immemorial been the practice, at the death of high chiefs, for all the people to indulge with impunity and without restraint, in every kind of wickedness. They threw off the little clothing which they usually wore, and none had even custom to shield them from the most open assault. A man might steal from any place with impunity. Neighbors, who were at enmity, might take any revenge they could get. It was no crime for a man to burn his neighbor's house, put out his eyes, take his life, or that of any of his family. Promiscuous lewdness prevailed extensively.

Knocking out each others teeth was a common and almost universal practice, during the days of mourning. But if by an means a man was so fortunate as not to lose any of his teeth, by the violence of another, he would, with a sharp pointed stone, dig them out himself; for it was a disgrace to any man not to lose some teeth at the death of a high chief. In consequence of these customs, there are few men to be found who have not lost some of their fore teeth.

"Take care of my people when I am dead. Be a friend to them, and watch over their interests with compassionate regard. After I am dead do not you cast away the word of God, or the Sabbath day. Neglect not prayer, neither cease to love Jehovah, that he may love you, and that we two may meet in heaven. I think a great deal of my sins and of the love of Jesus Christ. He is very kind to me. I hope he will take me to his right hand."

This, which took place only two or three days before her death, was nearly the last conversation she had with her husband.

The day before her death she conversed with Karaimoku respecting her children. She said, "I wish much that my two children Kauikeaouli and Nahienaena* should know God, should serve him, and be instructed in Christianity. I wish you to take care of these my two children. See that they walk in the right way. Counsel them. Let them not associate with bad companions." She then added, "And do you not neglect praying to God. Cease not to regard the Sabbath. Commit no sin, and love Jesus Christ, that we two may meet in heaven."

In the same interview, Karaimoku inquired of her, if she did not wish to be baptized, like the people of Jesus Christ. She said, "I do very much wish to have water sprinkled on me in the name of God before I die. I have already given myself to Jesus Christ. I am his. I love him, and I much wish to be like his people, and to be baptized in his good name before I die."

Soon after this interview with Karaimoku, she called the king and her other two children, and all the chiefs, and said to them, "I am now about to die. I shall leave my children, my people, and these lands, and I wish now to give you my last charge."

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*These two little children are modest and interesting persons. Kauikeaouli is nine, and Nahienaena is eight years of age. They have both of them committed to memory the spelling book which has been printed, have made some advances in English, and, considering their advantages, are respectable scholars.

She then turned to the king and said, "I wish you after my death to be a friend to all the friends of your father, and to all my friends. Take care of these lands which you have received from your father. Exercise a tender care over the people. Protect the missionaries, and be kind to them. Walk in the straight path. Keep the Sabbath. Serve God. Love him, and love Jesus Christ. Attend also to the word of God, that you may be happy, and that we two may meet in heaven. If you see any of the people going wrong, take care to lead them in the right way, but I entreat you not to follow them in the bad way, when your mother is gone."

She then turned to the chiefs and said, "Watch over the king my son. Exercise a guardian care over him. But particularly I wish you to watch over my two younger children. See that they are brought up in the right way, that they are instructed in reading, that they keep the Sabbath day, that they both love God and pray to him. Protect the teachers who have come to this land of dark hearts. Attend to their instructions. Cease not to keep the commandments of God, to love him, to obey his word, to regard the Sabbath and all the means of instruction, and do not neglect prayer to God. He is a good God. Our former gods were false, but he is the God by whom we may all live forever in heaven. I love Jesus Christ. I hope he has loved me, and that he will receive me."

This was not her last charge, although when she gave it, she supposed it would be.

On the morning of the day on which she died, Taua her teacher desired to converse with her, but the people and some of the chiefs were much opposed to it, and were so angry with him for attempting it, that he went and called Auna his associate. Auna said, "We must not be afraid. We must talk with her now, or not at all, for we shall never have another opportunity." They then pressed through the crowd of chiefs, and took their seats beside Keopuolani.

Auna said to her, "How do you feel, as you are about leaving the world?" She answered, "I remember what my teachers told me. I pray much to Jesus Christ to be with me and take me to himself. I am now about to leave my three children, my people, and my teachers. But it is not dark now. It would have been, had I died before these good times. You must pray for me, and all the missionaries must pray for me. I love you. I love them. I think I love Jesus Christ, and I trust he will receive me."

At this time, Messrs. Stewart and Richards were without an interpreter, a circumstance peculiarly trying. They were unable to converse with her, or learn any of her feelings, except what they could collect from the few words they understood. They thought that she was a fit subject for baptism, but they were unwilling to administer that ordinance, without an interpreter, or some means of communicating either with her, or with the people, on so interesting an occasion. They were also hoping that one of the missionaries would arrive from Honoruru in season to administer that holy ordinance. This hope was not entirely disappointed, for early in the day in which she died, Mr. and Mrs. Ellis and Mr. Ruggles arrived.

Her wish to be baptized was immediately communicated by the chiefs to Mr. Ellis. After consultation, the mission family repaired to the spot for the purpose of witnessing the administration of the ordinance. When they arrived, they found her so weak, that they said to the chiefs, "Perhaps it is not best that she should be baptized." The king, in a most expressive tone, replied, "Why, what is the harm?" He afterwards said, "I know that this is only an external sign, but my mother gave herself away to Jesus Christ before her sickness, and now, because she is about to die, do you refuse to sprinkle water upon her in the name of God?"

Although they were well aware that it was too late for her to receive any personal benefit from baptism, yet, as they felt there was no impropriety in administering it, they concluded to comply with the earnest solicitations of the king and chiefs. While waiting for the necessary preparations, there was a sudden change in her appearance, and many thought her dying. Her husband, and some of the other chiefs, immediately set up a loud wailing, and were instantly joined by the thousands about the house, all of whom supposed, from the lamentations which they heard, that she was dead. Those, however, who sat round her couch, said, she is not dead, and requested the missionaries present not to leave the house. It was also announced to those without, that she was still alive, when their wailings, and the irregularities which some had commenced, ceased.

As soon as all was still again, orders were given to the people by the king and Karaimoku to abstain from every kind of irregularity whenever she should die. They were told, too, that Keopuolani had expressly forbidden it. After this she revived a little, and the request that she should be baptized was renewed.

Mr. Ellis made an address on the subject of baptism, in which he stated the ground on which it was administered to Keopuolani. He also told what was necessary, in order to the proper reception of it; and then he administered the ordinance.

Although there were others who gave evidence of piety earlier than Keopuolani did, yet no one had ever yet been baptized; so that Keopuolani may be called the first fruits of the mission.

The king and all the heads of the nation listened with the most profound attention, and when they saw that water was sprinkled on her in the name of God, they said, "Surely she is no longer ours, she formerly gave herself to Jesus Christ. We believe she is his, and will go to dwell with him."

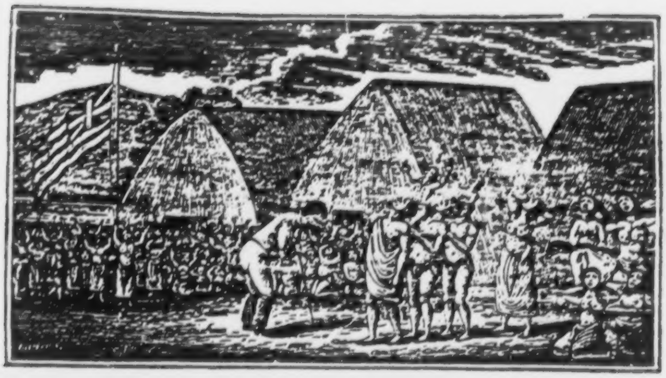
This was done at five o'clock in the afternoon of the 16th of September, 1823, and an hour afterwards the Hawaiian convert fell asleep.

The king had previously inquired whether it was wrong to weep. Being told that it was not, he, with all the chiefs, joined in the loudest wailings. These did not entirely cease till after the funeral ceremonies. The principal chiefs desired to have morning and evening prayers in their several houses; and in time of prayer all was still within the house, though out of doors the wailing continued. For two days there was scarcely a sound to be heard in Lahaina, but the most deafening wailings and the most bitter lamentations. "Keopuolani was a mother to every body! We have all lost a mother!" were exclamations constantly ringing through the settlement.

The people collected from every part of Maui to join their tears and cries. Sometimes whole districts were seen walking in single file, in most perfect silence, till they came within about a hundred rods of the corpse, when the whole company at the same instant commenced their mournful cries.

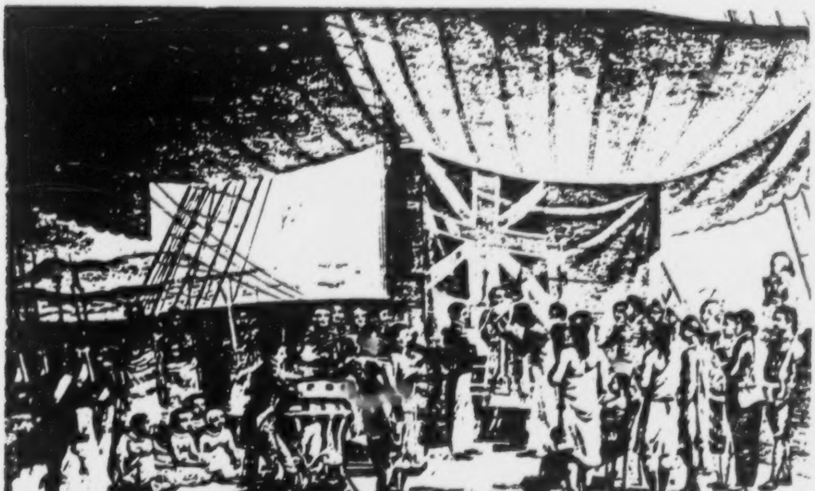
On the morning after her death, we were awakened by the firing of minute guns from the vessels in the roads. These were continued at regular intervals, during the day.

The vessels also hung their colors at half mast. A flag staff was erected in front of the house where Keopuolani died, on which the national banner was displayed.

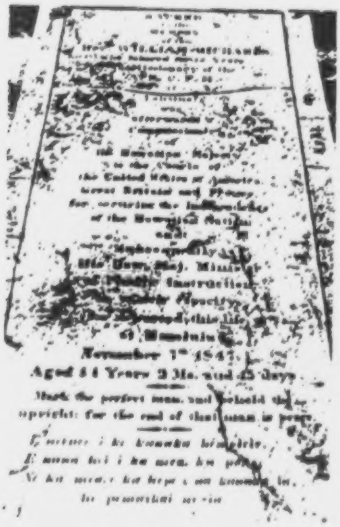


Explanation of the Engraving, which represents the meeting between Kuakini, Governor of Hawaii, and the relatives of Keopuolani.

1. Kuakini.—2. Hoapiri, the husband of Keopuolani.—3. Kaulkeouli, the young prince.—4. Nahienaena, the young princess.—5. Kamehamaru, the favorite queen of Rihoriho.—6. Wahinepio, sister of Karaimoku.—7. Kalakun, mother of Kamehamaru.—8. Kaiko, near relative of Keopuolani.—9. Keoua, wife of Kuakini.



BAPTISM OF KALANIMOKU AT KAWAIHAE, AUGUST 14, 1819



GRAVE OF WILLIAM RICHARDS

TOMB OF KEOPUOLANI

TOMB OF KEOPUOLANI AND THE GRAVE OF WILLIAM RICHARDS
AT WAINEE CEMETARY, LAHAINA

The chiefs wished the funeral to be conducted according to Christian custom.

The number of people, about the house did not in the least diminish, but rather increased until after her remains were deposited.

Kuakini arrived from Hawaii in the afternoon, and his meeting with the other chiefs it is impossible to describe. The engraving on the opposite page shows but a very small part of the whole company, that met on the occasion, and the various attitudes, as there represented, were rendered tenfold more shocking by the united wailings of the people, which rang from one end of Lahaina to the other.

On the morning of the 18th, a bell was brought from one of the king's vessels, and hung beside the chapel, for the purpose of giving notice of the funeral.

As the house was not sufficiently large to contain the people, it was thought advisable that the funeral service should be attended under a cluster of beautiful Kou trees, where worship had usually been attended previous to the erection of the building. A convenient platform was prepared for the speaker, on which was placed a table, and chairs for the missionaries. The circle was formed so large, that it contained the corpse on the bier in the centre, the bearers, pall-bearers, mourners, all the chiefs, missionaries, and respectable foreigners, surrounding the corpse. All who were in the circle were respectably dressed, and nearly all wore some badge of mourning. It was computed, that there were present at least three, perhaps five thousand people; and during the religious services, they ceased their wailing.

Mr. Ellis preached from Rev. xiv, 13. "Blessed are the dead which die in the Lord." The people were attentive, and the chiefs listened with signs of deep interest.

After service, a procession was formed, the prince and princess, and Hoapiri and the king, taking the lead as mourners, and after them the chiefs according to their rank. The procession was led by the foreigners who were present, next to whom followed the missionaries in mourning dresses, and directly preceding the corpse were the favorite attendants of the deceased. Following the chiefs was a large train of their attendants. All in the procession, amounting to about four hundred, were dressed in European style, except a few who fell in the rear after the procession first moved. The path was thronged on every side, by thousands of the people, who had never witnessed any thing of the kind before.

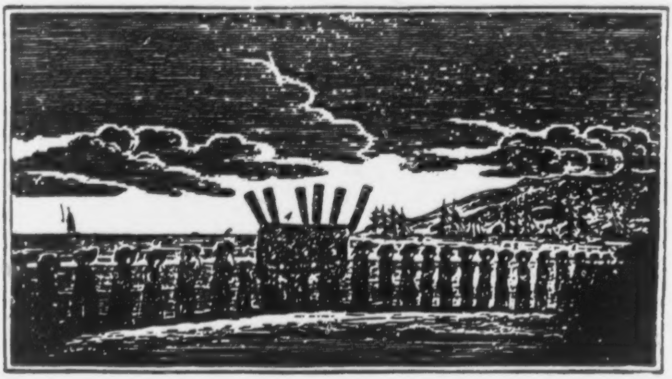
Minute guns were fired from the ships in the roads, and the bell continued tolling until the corpse was deposited in the place prepared for it, which was a new house built of stone and cemented with mud, designed as a tomb for the chiefs. During the whole time the most perfect order was preserved, and we were reminded of the similar processions, which we had frequently witnessed in the land of our "Fathers' Sepulchres."

Temporary dwellings were immediately erected by the chiefs around the house where she was laid, and in them they resided for several weeks, as a testimony of their affection for the deceased. They spent much of their time in conversing about their departed chief, and the charges she had given them during her last sickness.

Whenever any persons arrived from any part of the islands, they went and seated themselves beside her tomb, and there indulged in grief and lamentation.

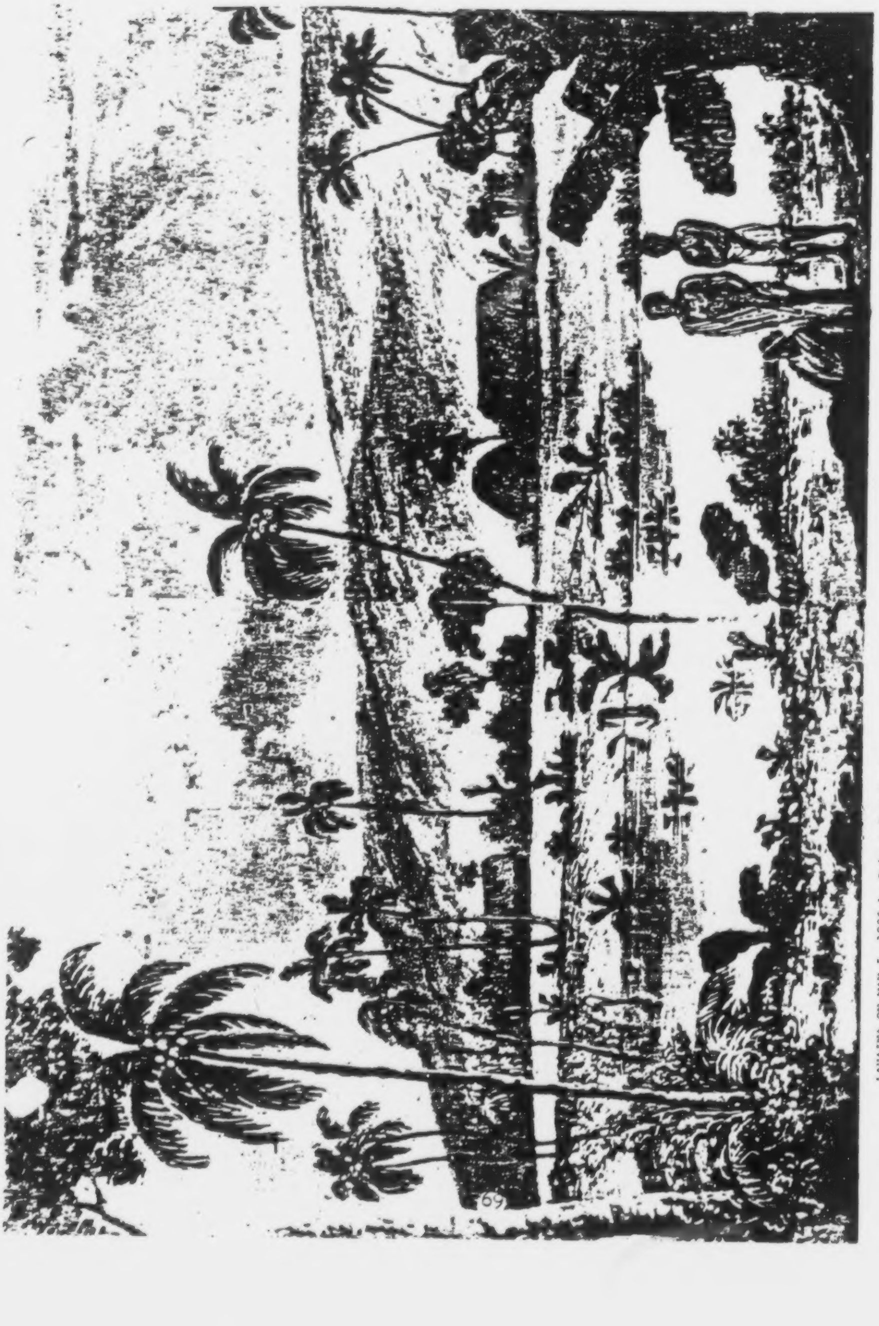
Notwithstanding all the charges which she gave, and all the light which has been communicated by the missionaries, there are many superstitions prevailing respecting her. Some of the people assert, and appear to believe, that she has not gone to heaven, saying that her soul had been seen by many of the people living on her land. Nearly all the chiefs, however, seem to believe, that she was a child of God, and lives in heaven.

Thus ended the life of the Hawaiian convert, and thus terminated the ceremonies attending her death and burial.



Explanation of the Engraving representing the Funeral Procession.

1. Foreigners.—2. Missionaries.—3. Favorite attendants of Keopuolani.—4. Corpse; pall-bearers the four queens of Rihoriho and two principal women.—5. The Prince and Princess.—6. The King and Hoapiri.—7. Karaimoku and his brother Boki.—8. King Taumuarii and Kaahumanu.—9. Kuakini and Kalakua.—10. Piia and Wahinepio.—11. Kaikioeva and Keaveamahi.—12. Naihi and Kapiolani.



LAHAINA ON MAY 5, 1825 by Robert Dampier

CONCLUSION.

In the death of Keopuolani, the mission has suffered a loss of no small magnitude. She stood high in the affections of the people, and was naturally of a stable character. Her influence, therefore, was precisely such as is always of special value to an infant mission. Her feelings toward the mission she fully exhibited in her last charges to the chiefs. In these she expressed no more than she had always manifested when in health.

To the station, which she particularly fostered, and at which she dwelt, her loss can be repaired only by the Providence of God in raising up another like her.

But though we feel our loss most deeply, yet we rejoice in this striking display of divine grace, and in the victory which has been gained over the superstitious and prejudices of heathenism.

We wish all who read these memoirs of Keopuolani to call to mind, that she was once a heathen; a heathen, too, who was satisfied with the system of idolatry, notwithstanding all its horrors. It was for her that the altar was once stained with the blood of human sacrifice, and had she and her people remained unenlightened, the same murderous altar would doubtless have been stained again at her last sickness. Let the reader contrast these two periods of Keopuolani's life. Let him remember, too, that it was the benevolence of Christians that took away the sting of death, and opened to her the gate of heaven.

O that we could speak to the readers of this tract with Keopuolani's voice, or inspire them with her feelings, when she said, "It is not dark now: it would have been had I died before these good times."

Let the friends and supporters of missions to the heathen, into whose hands this short narrative may fall, call to mind that their offerings furnished a part of that light, which shone around her path to the grave, and dispelled the darkness which would otherwise have hung over it.

Let him, who thinks that the heathen will never be converted, tell, if he can, why other heathen cannot be converted, as well as the highest chief upon the Sandwich Islands.

Yes, the heathen can be converted. Some of them have been, and all will be, turned unto God. "Yea, all kings shall fall down before Him, all nations shall serve Him."

May all who read of Keopuolani, be encouraged to new and vigorous exertions in that work, which, though great and difficult, will, through the aid of our Almighty Helper, surely result in the universal triumph of the Gospel.

FINIS.

GENEOLOGY OF KEOPUOLANI

This geneology of Keopuolani was prepared by S. M. Kamakau and published in Ka Nupepa Kuokoa as Helu 61 and Helu 62 of his "Ka Moolelo o Na Kamehameha" series on February 22 and 29, 1868 respectively. Translation of this geneology is found in S. M. Kamakau *Ruling Chiefs of Hawaii* at pages 433-436.

Eia ka mookuauhau Kumuuli a me Kumulipo a me Ololo.—O Hulihonua ke kane, Keakahuilani ka wahine, hanau mai o Laka; o Kapapaialeka ka wahine hanau o Kamooalewa; o Olepuukahonuaalani ka wahine, hanau o Maluapo ke kane, o Laweakeao ka wahine, hanau o Kinilauemano, o Upolu ka wahine, hanau o Halo, o Kiniewalu, hanau o Kamanookalani ke kane o Kalanianoho ka wahine, hanau o Kamakaokalani ke kane o Kahuaokalani ka wahine, hanau o Keohookalani ke kane o Kamookalani ka wahine hanau o Kaleiokalani ke kane o Kaopuahiki ka wahine, hanau o Kalalii o Keaomele ka wahine hanau o Haule ke kane o Loaa ka wahine hanau o Walea ke kane o Lanea ka wahine, hanau o Nananuu ke kane o Laloohana ka wahine, hanau o Laiokona ke kane hanau o Laloohoaniani ka wahine hanau o Pokinikini ke kane o Polehulehu ka wahine, hanau o Pomanomano ke kane o Pohakoikoi ka wahine, hanau o Honuapoiluna ke kane o Honuapoilalo ka wahine, hanau o Kupukupuanuu ke kane o Kupukupulani ka wahine, hanau o Kamoleokahunua ke kane o Keaaokahonua ka wahine, hanau o Kapaiaaokalani ke kane o Kanikekaa ka wahine, hanau o Ohemoku ke kane o Pinainai ka wahine, hanau o Makulukapo ke kane o Hiona ka wahine, hanau o Milipomea ke kane o Hanahanaiau ka wahine, hanau o Hookumukapo ke kane o Hoao ka wahine, hanau o Lukahakona ke kane o Niaulani ka wahine, hanau o Kukalaniehu a o Kupulunakehau. A o Kahikoluamea ka i noho ia Kupulunakehau hanau mai o Wakea.

O Wakea ke keiki a Kupulunakehau me Kahikoluamea; o Kahikolaumea ke keiki a Owe me Walaahilanimui; o Walaahilanimui ke keiki a Lohanakiipapa me Iwahinakiiaka ke keiki a Waluanahinapiipapa me Hikuanakiiakea, ke keiki a Onoahinekiipapa me Limahinakiiukea ke keiki a Wahinekiipapa me Kaluaahinakiiakea, ke keiki a Luahinakiipapa me Kahiahinakiiakea ke keiki a Laheamanu me Keakemui, ke keiki a Hanaiiluna me Hanaikini, ke keiki a Keaoalani me Nahaeiluna, ke keiki a Lanikupa o Kupo ke kane, ke keiki a Kaneiakoa, o Hakoakoalaia ke kane, ke keiki a Haakoakoakeau, o Kahikoleiula ke kane, ke keiki a Kanemaknaikaleue, o Kahikoleiulu ke kane ke keiki a Kupomakaikaeleue, o Kahikoleikau ke kane, ke keiki a Lukaua, o Kahikolupa ke kane, he keiki a Kapohaaia, o Kaluakahiko ke kane, ke keiki a Heleiluna, o Kaluakapua ke kane, ke keiki a Alanainai, o Kapili ke kane, ke keiki a Hololena, o Ahukai ke kane, ke keiki a Halaiho o Kumuhonua ke kane. O ka hui ana o na kumu o keia mookuauhau, o ka Paliku pakiki keia, o ka mookuauhau o na kupuna kahiko.

O Kukalaniehu ke kane, o Kahakauakoko ka wahine; he lewa na kupuna o keia wahine, a oa pohihihi ia oukou. O keia mau mookuauhau, no ko o Oahu mau kupuna no e loaa ai. O Papa ka laua kaikamahine. Hoao o Papahanaumoku i kana kane o Wakea, hanau mai o Hoohokukalani he alii, he kaikamahine i hohoa e kamakuakane, hanau Huloa ke alii; he alii Haloa ke kane i noho ia Hinamahouluae, hanau o Waia ke alii i noho ia Huhune, hanau o Hinana-

lo i noho ia Haunuu, hanau o Kakaihili i noho ia Haulani, hanau o Wailoa i noho ia Hikawaoopuaianea hanau o Kio, i noho ia Kamole, hanau o Ole i noho ia Hai, hanau o Pupue i hono ia Kamahele, hanau o Manaku i hoho ia Hikoale, hanau o Kahiko i noho ia Kaea, hanau o Lukahakona i noho ia Kouiamaikalani, o Luanuu noho ia Kawaamaukele hanau o Kii, noho ia Hinakoulu hanau o Nanaulu, o Olu hono ia Kapunuu hanau o Nana, o Kapulani, Nanaiea, noho ia Kahaumokuleia hanau o Nanaialani, noho ia Hinakinau hanau o Waikulani, noho ia Kekauilani hanau o Kaheleimoana, i naulu, o Olu noho ia Kapunuu hanau o Nana, o Kapulani, Nanaiea, noho ia Kahaumokuleia hanau o Nanaialani, noho ia Hinakinau hanau o Waikulani, noho ia Kekauilani hanau o Kuheleimoana, i noho ia Mapunaiaaala hanau o Konohiki, noho ia Hikaululena hanau o Wawena, noho ia Hinamahuia hanau o Akalana, noho ia Hinakawea o Mauimua, a o Mauihope o Mauik'likii, o Mauikalana noho ia Hinak loha hanau o Nanamaoa noho ia Hinakapaikua hanau o Nanakulei, hono ia Kahaukuhonua hanau o Nanakaoko, noho ia Kahihiokalani hanau o Kapawa, noho ia Kekukuluhiokalani hanau o Heleipawa, noho ia Kookookumailani hanau o Aikanaka, noho ia Hinahanaiakamalama o Punaimua o Hema. O Punaimua kai noho ia Hainalaumaikalani hanau o Uamaikalani, noho ia Kahiliokalani hanau o Auanini, kai noho ia Welihaakana hanau o Lonohoonewa, noho ia Loiloi hanau o Paumakua, noho ia Heanamuiokalani hanau o Moeanaimua, noho ia Alahoe hanau o Kumakaha, noho ia Moemoeaaulii (maloko o keia wahine ka ohana e loaa aku ai o Kamapuaa a me ka laua ohana o Pele) hanau o Nana, noho ia Hoakaleikani hanau mai Luahiwa, noho ia Kilohana hanau o Ahukai noho ia Keakamili (na'Lii Akunuu, na'Lii Ikulani, na'Lii Ikulaa, na'Lii Laa) hanau o Laamaikahiki, noho ia Hoakanuikapuaihelu o Laulialaa ka mua no Kualoa; hanau o Ahukinialaa me Kaolena ka lua o na keiki, hanau o Kukonaalaa me Mano i kapa hou ia o Manoopupaipai no Kaneohe, na keiki a Laamaikahiki i hanau i ka la hookahi, [E loaa ia oukou ma na Koihonua a ka makua hai kupuna a Kalaikuahulu.] O Ahukinialaa kai noho ia Haikamaio hanau o Kamahano, noho ia Kaaueanuiokalani o Luanuu, noho ia Kalanimoeikawaikai o Kukona kai noho ia Laupuapuamaa, e Manokalanipo kai noho ia Naekapulani ka moopuna a Makalii mai ka lani mauku o Kapaa i Kapahi me Kaui; hanau o Kaumakamano, o Napunuamano Kahaiamano; o Kaumakaamano kai noho ia Kapoinukai hanau o Kahakuakane, kai noho ia Manokaikoo o Kuwalupaukumoku, kai noho ia Hameawahaula o Kahakumakapaweo kai noho ia Kahakuakukaena hanau o Kalanikukuma, kai noho ia Kapoleiakuila hanau o Kahakumakaliua kai noho ia Kahakumaia hanau mai o Kamakapu kai noho ia Pawahire, o Kawelomahamahaia kai noho ia Kapohinaokalani o Kawelomakulua me Kaawihiokalani, he mau alii pio, hanau o Kaweloaikanaka, kai noho ia Naki hanau o Kaweloanaki, kai noho ia Kalakahinalo hanau o Kaweloehu, noho ia Kaioe, hanau o Kahamaluihi, nona ke one kapu i Waimea, a o Keakakanaloa ke kaikunane. O Kahamaluihi kai noho ia Kanekapuakuilewa o Kahoowawahaokalani
O Kahoowahaokalani ke keiki a Kahamaluihi me Kanekapuakuihowa, ke keiki a Kahaiaonuiakaulana me Kakuihewa, ke keiki a Kaunuiakanehoalani me Kaihikapuamanuie, ke keiki a Kalanimanuia me Lupekapukeahomakalii; o Kalanimanuia ke kaikamahine a Kukaniloko me Luaia; o Kukaniloko ke kaikamahine a Paakanilea me ke keiki a Kaihuholua me Kikenuiaewa, ke keiki a na'Lii a na Kalona, na keiki 'Lii a Maihikukahi a na'Lii, a keiki a Kauakahiailililani, a o Kalona ke keiki a Kanepukea me Mailiku-

kahi, ke keiki a Nononui me Puaaakahuoi, ke keiki a Pelea me Kahuoi, ke keiki a Lanihewa, ke keiki a Laulia me Maelo, ke kaikamahine a Kanoakaleleoi me Kuolono, ke keiki a Kehenu me Kahai, ke keiki a Keahiula me Hookamalii, ke keiki a Hinauluulu me Moikeha, ke keiki a Wehelani me Miiielealii, ke keiki a Naiolaukea me Wehelanani, ke keiki a Naiolaukea me Maweke, ka makuakane o Kaiehenuiamaweke, noho ia Kahinalo, o Hinakaimauliawa noho ia Kahiwakaapu hanau o Mua, noho ia Kaomea hanau o Kuamua, o Kapu[illegible]mua, he pio laua, hanau o Kawalewaieoku, noho ia Unaula hanau o Kaulaulaokalani, noho hoi me Kaluaiolowalu hanau o Kaimihauoku, noho ia Loe hanau o Mokuoloe. noho ia Kapiheolalo o Kaliaokalani, noho ia Kuaaohe hanau o Keopuolani, noho ia Ka ohiakanaka hanau o Kupanihi, noho ia Kahuaokalani hanau o Luapulokoku, o Niupopoula, o Kahaoi. O Luapuloku kai noho ia Mumukalaniohua hanau mai o Ahukai, noho ia Kahilinaiokahiki o Maeunuiokalani, noho ia Kauluhinalo hanau o Kapikiokalani, noho ia Kaakahinalo hanau o Halaulani, noho ia Kaihupee hanau o Laninuiakaihupee, noho ia Kauhiiliulaapiilani hanau o Hoalani, o Kaakaualani, noho ia Kakuihewa hanau o Knuakahiakuihewa, noho ia Kapunawahine hanau o Kauapena; noho ia Kaweloakalanikala o Kuihewakauaupena, noho ia Kaloaiwi hanau o Kuihewakawalu, noho ia Umialiloa o Papaikaniau, noho ia Kaulaheanuiokamoku hanau o Kalaninuikuihonookamoku, a noho ia Kekuiapoiwa I., hanau o Kamehameha Nui, o Kalola, u Kahekili a me Kuhooheiheipahu. O Kalola kai noho ia Kalaniopuu hanau o Kalanikauikeaouli Kiwalao, kai noho naha me Kekuaipoiwa II hanau o Kalanikauikaalaneo Keo puolani.

Ua hanau ia o Keopuolani ma Pihana, Wailuku, Maui, i ka A.D. 1780. He kaikamahine kamakahi oia na kona mau makua'Lii. He mau makua a mau kupuna Moi kona ma ka aoao o kona makuakane, me ka hakahaka ole ma ka lalani alii o na Moi o Hawaii, i noho paa mai i ke aupuni mai na kupuna kahiko mai.Pela ka aoao o kona makuahine, me ka hakahaka ole ma ka lalani Alii Moi o Maui mai na kupuna mai. He poe alii kapu, a ua like me ke Akua.

I kona manawa uuku, i ka manawa e hanai kapu ana ka poe kahu hanai waiu, aole e hiki i na'lii ke hele aku malaila, a ina e hoopaa aku na'lii a me na kanaka i ka hele ana'ku malaila, ua pau lakou i ke puhe ia i ke ahi.

I kekahi manawa, manao ino la na kahu hanai waiu, e kukai i ka lakou kaikamahine e lilo i kaikamahine alii Moi, no ka mea, ua ike lakou i ka lakou kaikamahine ua mukanuka maikai ke kino, a o ke kaikamahine alii, he ano pupuka kona, he aa ke kino, nolaila, ua paa ka manao o ka poe kahu hanai waiu e kukai, aka, ua hiamoe ke kaikahahine alii ma kona wahi, a o ke Kaikamahine Kauwa ua moe no hoi ma kona wahi, aka, puka aku la iwaho ka poe kahu, a komo mai la hoi ka ilio iloko o ka hale, a ua ai iho ua iho nei i ka lima o ke kaikamahine kauwa a mumuku, ua pau loa ka manamana o kekahi lima. Mai lilo io ke kaikamahine kauwa i alii, aka, aole no i ae mai ke Akua e lilo kekahi kauwa i alii. O Kanekoa ka ino o ua kaikamahine kauwa lima mumuku nei.

Ua hanaiia ó Keopuolani ma Wailuku, ma Olowalu a me Hamakua ma Maui. Ua ike no o Kiwalao i kona hanau ana, a no kona kauoha ia ana mai hoi e Kalaniopuu e hoi aku i Hawaii, no ke kauoha hope a Kalaniopuu, e lilo o Kiwalao i Moi no Hawaii, nolaila, ua hoi o Kiwalao i Moi no Hawaii. Ua noho o Kekuaipoiwa II i Maui me ke kaikamahine Keopuolani. (Aole i pau.)

EO KEOPUOLANI KAUHIAKAMA*

Oli:

Eo Keopuolani Kauhiakama

O Ka Uhi Kapu A Kamalalawalu
O Ke Umi Kalakauaehuakama
O Na Alii Noia Mai Ka Kahiki

Mai Ka Pili Manawa A Piilani Wahine

A Ka A Kaupe'a (Kaakaupe'a) Lonoapii
Ke Alii Mai Ka Hooupu Kaunelewa
O Ka Lani Maualii O Luakaua

I Nehi Kaua Lima Ka Kealoha
Eha La Loko Ke Kanaka Iaia
Hakanu Wale Iho No Ka Manawa (Kamanawa)
Pulupau Kuu Maka Ia Ka Waimaka E---Ie-Ie
Eia A'e E Ho'i E

Mele Oli:

Mehe Makamaka No Ka Ua Hilo One
Ka Hele No A Kipa I Hanakahi
Kipa Aku Oe Ua Hala I Makakalo
Ho'i No Aua Ale Noho Kakali
Eia A'e E Ho'i E

Nana I Kahukau A Ka Lehua
I Ka Luluu O Na Pua I Kanahele
He Wahine Kapu Ia No Ka Puulena
I Na La I Ke Kai A Punaloa
Eia A'e E Ho'i E

He Hoa Ia Anei A Ka Nuha Hewa
He Hakanele Oe A Ka Olelo
He Lola Keia He Hepa Na Ke Alii
He Alu Alolua A I Na Pili
Eia A'e Ho'i E - Eia A'e E Ho'i E

Na Liholiho Ekahi Heinoa

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* This Oli and Mele Oli were compiled by Edith Kanakaole and her two daughters, Pualani Kanahele and Nalani Kanakaole and chanted in honor of Keopuolani at the Royal Tomb at Lahaina at her dedication.

FOOTNOTES

1. Samuel Manaiakalani Kamakau, *Ka Po'e Kahiko; the People of Old*, translated from the newspaper *Ke Au 'Oko'a* by Mary Kawena Pukui, arranged and edited by Dorothy B. Barrere, (Honolulu, Bishop Museum Press, 1964), Bishop Museum Special Publication No. 51, pp 4-5.
2. By W.D. Alexander, see page 8 for his introduction.
3. Marjorie Sinclair, "The Sacred Wife of Kamehameha I", *The Hawaii Journal of History*, vol. 7, 1971, pp 3-23.
4. *Ibid*, p. 6.
5. *Ibid*, p. 9.
6. *Ibid*, p. 10.
7. Jacques Etienne Victor Arago, *Narrative of a Voyage Around the World*, Amsterdam, N. Israel; (New York, Da Capo Press, 1971), Translation of *Promenade autour du monde*, 1822, p 110. After Kalanimoku, Boki was baptised p. 124.
8. Ralph S. Kuykendall, *The Hawaiian Kingdom, 1778-1854, Foundation and Transformation*, vol. I (Honolulu, University of Hawaii Press, 1968), pp 102-103.
9. See text *Memoirs of Keopuolani*, p 33.

   Also, Hiram Bingham, *A Residence of Twenty-One Years in the Sandwich Islands; or the Civil, Religious, and Political History of Those Islands*, (New York, Goodwin, 1855), 3rd Rev. Ed., p. 195.

   And, Charles Samuel Stewart, *A Journal of a Residence in the Sandwich Islands, During the Years 1823, 1824 and 1825: Remarks on the Manners and Customs of the Inhabitants; and Account of Lord Byron's Visit in the H.M.S. Blonde; and a Description of the Ceremonies Observed at the Interment of the Late King and Queen in the Island of Oahu*, (London, Fisher, 1830), p 222.
10. Charles W. Kenn, "The Army and Navy of Kamehameha I," *United States Naval Institute Proceedings*, 1945, pp 1335-1339.
11. Kuykendall, *The Hawaiian Kingdom*, vol. II, pp 259-260.
12. Gorham D. Gilman, "Lahaina in Early Days", *Hawaiian Annual, 1907*, pp 174-175. He wrote: "One day I heard some people singing coming up the road, and stepping to the veranda I saw a small company parading the streets in a shower of rain. It was the king, and his wife, the queen, his trusty friend and official, John Young, and wife, and several others in the party. They were without shoes and stockings and hats and with a large wreath of maile and no more cloths than necessary. They were as happy as any children playing in summer showers. The company had just come from performing one of those ancient acts of community interest, teaching the people the dignity of labor. The king and his friends had a kalo patch—which your readers will probably understand. Thus he followed the example of his royal father who was said to have given his example to his people at Kohala of the dignity of labor."

    Edward Smith Craighill Handy and Elizabeth Green Handy, *Native Planters in Old Hawaii: Their Life, Lore, and Environment*, (Honolulu, Bishop Museum Press, 1972) with contribution by Mary Kawena Pukui, states that a "few *ali'i* from Umi in the 16th century to Kamehameha in the 18th, were planters in Hawaii." p 26.
13. Handy and Handy, notes that the traditional relationship between commoners, the chiefs and the alii were personal one with ardent affec-

tion between them. p 326.

Hiram Bingham witnessed the building of the stone wall around Keopuolani's tomb in 1823 and wrote as follows: "The relatives and friends of the deceased brought stones from the ruins of an old neighboring heathen temple, and laying them up into a wall, enclosed the tomb where they had deposited their friend. Though performed in a manner more gay and trifling, or more rude and toilsome than the best taste or philosophy would have dictated, for men and women of rank carried heavy stones in their arms, or on their shoulders, attended by servants carrying their plumed rods, still, this labor was a rational and commendable testimony of affection and respect." Bingham, *A Residence of Twenty-One Years...*, p 197.

Charles S. Stewart also witnessed the stone monument building project and wrote: "Wednesday, 24. The whole district, men, women, and children, to the number of some thousands, have been engaged this week in carrying stones from the old heiau, or idolatrous temple, on the south point, to the place where Keopuolani is buried, to build a wall and monument around the house in which she is deposited: headed and assisted by their chiefs, male and female, of every rank, they have engaged in the work with much spirit, and pass and repass our door in troops of a hundred and more at a time, singing their rude songs with as much merriment, as with bitterness last week they seem to wail.

...The nearest relatives of the queen, except her husband and the king, Kaahumanu, and Taumuarii, are engaged in this servile work and themselves each erect her monument, with as much merriment as they would form a festal bower. They are all followed by their kahiles; and I have smiled more than once to see a queen or royal princess carrying a large stone,* while a stout man, behind her, has borne nothing but a light feathered staff, to proclaim the dignity of his mistress.

*The high chiefs engage personally in work of this kind, to evince their respect for the deceased, and to encourage their people in the labour." C.S. Stewart, *A Journal of a Residence...*, pp 229-230.

Regarding the building of the Puukohala Heiau at Kawaihae on the island of Hawaii, A. Fournander wrote: "Chiefs of the highest degree and common natives worked side by side, and Kamehameha himself set the example of carrying stones to the building. There was but one exception known, and that was Kamehameha's younger and favorite brother Kaliimaikai. Tradition says that when all the chiefs set out to carry stones to the Heiau, Kaliimaikai also took up a stone and started with the others. Seeing which, Kamehameha rushed up and taking the stone from the other's shoulder, exclaimed, "some one must observe the Tabu, be thou the one". He then ordered the stone to be taken out to sea and sunk in deep water." Abraham Fornander *An Account of the Polynesian Race, its Origin and Migrations*, Vol. II, (Rutland, Vt., Charles E. Tuttle Co.) p 328.

After the unification wars chiefs began to adopt non-Hawaiian authoritarian concepts and practices, and thereby began to establish barriers between commoners and chiefs. Samuel Manaiakalani Kamakau, *Ruling Chiefs of Hawaii*, (Honolulu, Kamehameha Schools, 1961), p 190.

14. Benjamin Othello Wist, "A Century of Public Education in Hawaii," October 15, 1840-October 15, 1940," *Hawaii Educational Review*, 1940, pp 221. For education prior to 1831, see Ralph S. Kuykendall, "Education in the Hawaiian Islands Prior to the Founding of Lahainaluna High School," *The Friend*, July, 1931, pp 159-160, 165-167.

15. George Theodore Lackers, *Lahainaluna, 1831-1877; A Study of the History of Hawaii's Pioneer Educational Institution and its Socio-economic Influence at Home and Abroad*, University of Hawaii, Unpublished Master of Arts Thesis, June 1938, pp 36-37.

16. The recordation were in Hawaiian and were published in the Hawaiian newspapers and the Lahainaluna publications, especially *Ke Kumu Hawaii*. Two of the distinguished chroniclers are David Malo and Samuel Manaiakalani Kamakau.

17. Kamakau, *Ruling Chiefs*, p 343.

18. *Ibid*, pp 343-344, 370, 396. George Theodore Leckers, *Lahainaluna, 1831-1877; A Study of the History of Hawaii's Pioneer Educational Institution and its Socio-economic Influence at Home and Abroad*, University of Hawaii, Unpublished Master of Arts Thesis, June, 1938, p 173.

19. Kamakau, *Ruling Chiefs*, pp 366-368, 398.

20. *Ibid*, pp 402, 406.

21. *Ibid*, p 404. Kuykendall, *The Hawaiian Kingdom*, vol. I, p 280, footnote 37.

22. Garret P. Judd, IV, *Dr. Judd*, (Honolulu, University of Hawaii Press, 1960), p 141.

23. *Ibid*, p 142. The special *mahele* committee field a report with the Privy Council on March 30, 1848.

24. The *mahele* to the government was signed by Kamehameha III and witnessed by Keoni Ana and by Garret P. Judd. Kingdom of Hawaii, *Buke Kakau Paa No Ka Mahele Aina I Hooholoia Iwaena O Kamehameha III A Me Nalii A Me Na Konohiki Ana, Hale Alii, Honolulu, Januari, 1848*, p 225.

25. *Law of 1848*, p 22, *Civil Code* 374.

26. A small piece of property on which a family subsists. There are generally several scattered parcels. Each parcel have distinct utility to the *kuleana* owner such as for a house, taro, potato, etc.

27. Technically a foreigner. It is used at times to denote an Anglo-Saxon.

28. Mitsuo Uyehara, *The Hawaii Ceded Land Trust: Their Use and Misuse*, (Honolulu, Hawaiians Almanac Publishing Company, 1977), p 19.

29. *Law of 1850*, p 202. This is also referred to as "Further Principles."

30. *Law of 1851*, p 94.

31. Uyehara, *The Hawaii Ceded Land Trust*, p 21. Robert H. Horwitz, Judith B. Finn, assisted by Marie Gillespie and Karen T. Uemoto, *Public Land Policy: Major Landowners*, (Honolulu, Legislative Reference Bureau, 1967) *Legislative Reference Bureau Report No. 3.*

32. Brian Sullam, "The selection and connections of the Estate's trustees," *Hawaii Observer*, 1976, "Special Report on Bishop Estate, The Misused Trust," pp 11-14.

33. J. Piikoi, "Sketch of J. Piikoi's Life, Written by Himself," *The Friend*, May 1859, p 37, translated from *Hae Hawaii*, May 4, 1859, p 4. Dr. G.R. Judd also claims credit for the *mahele*: "There was no one but myself had the knowledge, and I may say the resolution, to act efficiently. I therefore volunteered my services to the king, and on condition of his appointing as my fellow-laborers whose whom I named, pledged myself to make the division." Judd, *Dr. Judd*, p 140.

34. Marion Kelly states that the factors involved are: First, that Hawaiian people are generally "more docile than revengeful." Second, that superstition and underlying fears were upheld by religious sanctions and taboos underlay the authority of the chiefs. Third, that lack of resistence by the common people has its basis on the annihilation of those who were capable of providing leadership, and that Kamehameha I

established an organization of government to prevent mass support for any ambitious chief. And Fourth, that mass deaths of the common people destroyed the *ohana* (kinship) system which provided internal stability within the family to cope with the changes in Hawaii to the outside world. Marion Kelly, *Changes in Land Tenure in Hawaii, 1778-1850*, unpublished Master of Arts Thesis, University of Hawaii, June, 1956, pp 138-141.

35. *Law of 1870*, chapter 22. In 1903, the Land Court was established to implement the Torrens Land system in Hawaii.

35a. Lt. General John M. Schofield, *Forty-Six Years in the Army*, (New York: The Century Co., 1897), p 432.

36. A traditional basic administrative land division typically pie shaped extending from the top of the mountain to the sea, and generally enclosed a valley. Within the basic unit, residents were self-sufficient in a subsistence economy.

37. See Jon J. Chinen, *The Great Mahele; Hawaii's Land Division of 1848*, (Honolulu, University of Hawaii Press, 1958) for a concise description of the *Great Mahele*. Amongst the many *ahupuaa* granted to the king were Kaanae and Wailuanui.

38. A land section usually within an *ahupuaa*. There were two types of *ili*. An *ilicina* was a part of the *ahupuaa*, the chief of such an *ili* was under the chief of the *ahupuaa* and paid tribute to said chief. An *ilikupono* was independent of the *ahupuaa* in which it was located. The chief of an *ilikupono* dealth directly with the ruling chief and not the chief of the *ahupuaa*, and therefore he paid tribute to the ruling chief.

39. Kingdom of Hawaii, *Buke Kakau Paa No Ka Mahele Aina...*, p 145, Land Commission Award M.A. 11, Book 3, Page 329; Royal Patent 6715, Book 25, Page 41.

40. Kenneth P. Emory, John F.G. Stokes, Dorothy B. Barrere, Marion Kelly, *The Cultural History of Hoonaunau*, vol. II (Honolulu, Bishop Museum, 1957), p 83.

41. Marjorie Jane Putnam Sinclair, *Nahienaena, Sacred Daughter of Hawaii*, (Honolulu, University Press of Hawaii, 1976).

42. Territory of Hawaii, First Legislative Assembly, *House Journal, 1901*, (Honolulu,), pp 6-11. Territory of Hawaii, First Legislative Assembly, *Journal of the Senate, 1901*, (Honolulu,), pp 49-56.

43. Robert C. Lydecker, *Roster of Legislatures of Hawaii, 1841-1918*, Archives of Hawaii, Publication No. 1, (Honolulu, Hawaiian Gazette Co., 1918), pp 263-265.

44. The history of Hawaii indicates that if the sovereignty of the United States of America had not been extended to and over Hawaii, no such trusts for Native Hawaiians would have been created.

45. Sections 1, 2, and 3 provides for a compact between the State of Hawaii and the United States of America for the State to maintain the integrity of the Hawaiian Homes Commission Act, 1920, as amended. Section 4 of Article XII provides for maintaining the integrity of the Admission Act Section 5(f) land trusts for Native Hawaiian and non-Native Hawaiian (the general public).

45a. Protest against the administration of the Hawaiian Home land trust program began practically from the beginning. The seething discontent broke into the open when the Estate of Bernice Pauahi Bishop began to evict farmer lessees from the traditionally farming Kalama Valley in Honolulu in 1970 to develop residential housing. Organized protest sparked the organizing of the "Hawaiians" at the Waikiki Shell to seek full implementation of the Hawaiian Home lands program throughout the state. The "Ohana o Hawaii" followed in 1972 for the same basic purpose as the Hawaiians.

By 1975, it became clear that the State of Hawaii was going to do practically nothing. The Keaukaha-Panaewa Community Association and the Keaukaha-Panaewa Farmers Association in Hilo, Hawaii filed law suits against the Hawaiian Homes Commissioners and others regarding failure to properly proceed with the use of Hawaiian Home lands for construction of a county storm drainage channel (588 F2d 1216, 9th Cir., Cert Denied, 48 LW 3218)

On July 4, and September 4, 1978, Native Hawaiians and supporters demonstrated against the misuse of Hawaiian Home lands for airport purposes in Hilo, Hawaii without payment of any compensation. Criminal charges of "enter into a restricted area of a public airport" were brought against 50, but after extensive action, all cases were dismissed in the Circuit Court of the Third Circuit in 1979 (Cr. No. 5716 etc.).

On December 7, 1979 and January 23, 1980, the State of Hawaii evicted and destroyed the homes of many families from Admission Act Section 5(f) lands on Sand Island in Honolulu Harbor. In the course of this open breach of fiduciary duties by the State under the compact with the United States, Native Hawaiians and their supporters were arrested while they sang "Hawaii Aloha" and charged with "obstructing government operation." All cases were dismissed after many months of legal actions in the District Court of the First Circuit in Honolulu, the Circuit Court of the First Circuit, and the Supreme Court of Hawaii (Cr. No. 15A 516, etc.; Cr. No. 53873, Cr. No. 53875, No. 8017).

On October 31, 1980, action was filed in the U.S. District Court for the District of Columbia against the United States to have the State conform to its trust obligation by Hou Hawaiians, Ahahui Ohana Moku and several individuals. This case was followed two months later by the Secretary of the Department of the Interior with his letter to the State.

In addition, amicus curiae brief have been filed in major water ownership case of Robinson, et al., vs. Ariyoshi, et al., (CA 9th Cir. No. 7432) regarding water as a part of the Admission Act Section 5(f) trust.

More than ten cases have been filed against the Department of Hawaiian Home Lands for various failures of the department over the years in both the state and federal courts in addition to the cases noted above.

46. Statement of Commissioner Roger Betts at the Native Hawaiian Study Commission hearing at Kapalama School in Honolulu during the evening of January 15, 1982 in discussion with Mitsuo Uyehara testifying as Director, Native Hawaiian Land Trust Task Force. Commissioner Betts stated that in the course of his discussion with the office of the Attorney General of the State, he was told that the definition of Native Hawaiian had to be changed in conformance to a "program", and that is the reason Senator Hiram Fong amended the House amendment (which defined Native Hawaiian as in the Hawaiian Homes Commission Act as introduced by Representative Patsy Mink). See footnote 47.

47. U.S. 93rd Congress, Second Session, *Congressional Record*, *House*, May 29, 1974, pp 16772-16773. U.S. 93rd Congress, Second Session, *Congressional Record*, *Senate*, June 25, 1974, p 20902.

48. U.S. 97th Congress, First Session, *Congressional Record*, *House*, May 21, 1981, p H2426, item no "91". U.S. Congress, First Session, *Congressional Record*, *Senate*, June 8, 1981, pp S5862-S5863 (full text of H.R. No. 377 is reprinted).

49. State of Hawaii, Department of Hawaiian Home Lands, *Department of Hawaiian Home Lands Program Accomplishments, 1976-1981*, (Honolulu, 1982), p 2.

50. U.S. 67th Congress, First Session, *Hearings Before the Committee on Territories, House, June 9, and 10, 1921*, (Washington, GPO, 1921), p 14.

    The legislative history of the Hawaiian Home lands program began as a Hawaii, Senate Concurrent Resolution No. 2 introduced by Senator John H. Wise in the Territorial Legislature on February 19, 1919 to establish a homesteading program for "associations, settlements or individuals of Hawaiian blood in whole or in part." Senator Wise then obtained the services of the Department of the Interior to draft a Congressional bill. This draft bill was further redrafted and introduced as H.R. 12683 by Delegate Kuhio Kalanianaole on February 21, 1920 during the 66th Congress, Second Session. H.R. 12683 with its companion Senate bill, S. 3971, had no minimal blood in conformance to Concurrent Resolution No. 2. A new bill was worked on and introduced as H.R. 13500 by Delegate Kalanianaole on April 18, 1920 with a minimal blood quantum of 1/32. H.R. 13500 passed the House on May 22, 1920, but encountered objections in the Senate.

    In the 67th Congress, First Session, Delegate Kalanianaole introduced a redrafted bill which passed the past session, eliminating the objectionable sections, on May 13, 1921. Senator Harry S. New of Indiana introduced the companion Senate bill, S 1881 on May 25, 1921 with some modifications. Delegate Kalanianaole introduced an identical bill in the House as H.R. 7257 on June 20, 1921. Senate bill, S 1881 passed both houses and was signed into law on July 9, 1921 as the Hawaiian Homes Commission Act, 1920.

51. *Ibid*, pp 14-15.

52. See footnote 45a.

53. Hawaii Advisory Committee to the U.S. Commission on Civil Rights, *Breach of Trust? Native Hawaiian Homelands*, (Washington, GPO, October, 1980).

54. *Ibid*, pp 47-52.

55. Mitsuo Uyehara, *Native Hawaiian, Federal-State Task Force, Source Materials*, (Honolulu, Native Hawaiian Land Trust Task Force, 1981), p 20.

56. *Ibid.*

57. Hawaiian Homes Commission Act, 1920 (Admission Act, Section 4), and Admission Act, Section 5(f). Act of March 18, 1959, Pub L 86-3, 77 Stat 4.

58. Kuykendall, *The Hawaiian Kingdom*, vol. I, pp 282-283.

59. Lecker, *Lahainaluna...*, p. 340.

60. This work was generally written by David Malo and Boaz Mahune at the direction of Kamehameha III. These were reviewed by the king and the chiefs many times and finally approved and promulgated on June 7, 1839. This document has been called the "Hawaiian Magna Charta". It was incorporated into the Constitution of 1840 as its introduction.

61. This edict was issued by Kamehameha III on June 17, 1839. There is no written document, but the order was transmitted throughout the kingdom. It was incorporated into the Constitution of 1840 as Section II. This edict appeared not to apply to the practice of traditional religion of Hawaii. Freedom to practice traditional Hawaiian religion was promulgated by the United States on August 11, 1978 as the American Indian Religious Freedom Act, Public Law 95-341, 95th Congress, 92 Stat469-470, 42 U.S.C. 1996. From the fall of 1819 at the battle Kuamoo in North Kona, island of Hawaii to August 11, 1978, a ban on

practice of traditional Hawaiian religion was in effect and suppression did occur. Prosecution of Catholic was openly practiced and recorded as with the banishment of Catholic priests. See Kuykendall, *The Hawaiian Kingdom*, vol. I, pp 163-166.

62. The first written constitution was a direct result of the activities at Lahainaluna and the course given by William Richards to the alii and to students at Lahainaluna. Activities at Lahainaluna up on the hill and at the capitol site at the "Point" were closely integrated. Lahainaluna Seminary was in fact the academic center of Hawaii which combined learning with practice, as well as development and implementation. It is to be noted that the students were not teen agers, but matured men with families who were selected from the best minds in the kingdom with potential for growth.

63. James Macrae, *With Lord Byron at the Sandwich Islands in 1825; Being Extracts from the ms. Diary of James Macrae, Scottish Botanist*, (Honolulu, 1922), pp 8-11.

64. Samuel Williston, *William Richards* (1938); D. Bellam-Walker, "Biography of William Richards," *Star Bulletin*, June 15, 1935, p 3; R.S. Kuykendall, "Two Neglected Graves," *The Friend*, July, 1931, p 163.

65. Hawaiian Mission Children's Society, *Missionary Album: Portraits and Biographical Sketches of the American Protestant Missionaries to the Hawaiian Islands*, Enlarged from the edition of 1937, (Honolulu, 1969).

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OUTLINE AND CHRONOLOGY OF NATIVE HAWAIIAN (P.L. 96-565, Title I) CULTURE, NEEDS AND CONCERNS REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA

by

Native Hawaiian Land Trust Task Force
1021 University Avenue, Room 2, Honolulu, Hawaii, 96826

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Date	Comment
	FIRST ERA
Po	Era of the gods, when everything was to be.
	SECOND ERA
....	Emergence of the heavens, of the earth, fishes, animals, plants and of man.
....	Proto-Hawaiians migrated westward through the Pacific and established themselves in Polynesia — New Zealand to the South (Maori), Easter Island to the East (Easter Islanders), and Hawaii to the North (Hawaiians).
1527, Nov.	Spanish galleon wrecked at Keei, South Kona, island of Hawaii. The captain and his sister survived. Site of landing is known as Kulou, to denote the long time both knelt. Other legends of ship wrecks and of ship timber driftwood of other nationalities have been found, such as of Japanese fishermen. Evidences of these were found by Captain James Cook on Kauai: A piece of iron hoop (3 inch long) fitted into a wooden handle; point of a broad sword; bolt of ship timbers.
1555	Juan Gaetano, a Spanish captain, charted the Hawaiian Islands while sailing from Mexico to the Philippines. The Pacific was given to Spain under the Bull of Demarkation by Pope Alexander VI in 1493 as part of the area of the world 100 leagues west of the Azores and the Cape Verde Islands. Portugal was given the area east of the line. The following year (1494), the line was moved 270 leagues westward so that Portugal could have Brazil.
1743, June	The British frigate, Centurion, under Lord Anson captured the Spanish galleon which sailed each year from Acapulco, Mexico to Manila near the Philippines. A chart found on board showed a group of islands on the same latitude as the Hawaiian Islands similar to Hawaii, Maui, Molokai, Lanai and Kahoolawe.
1778, Jan 18	The British Exploring Expedition sighted Oahu, then Kauai on their way to the Pacific Northwest from the South Pacific. Captain James Cook, in command, landed at Waimea, Kauai on January 20. The publication of this expedition began the systematic contact of Native Hawaiians with

other peoples of the world.

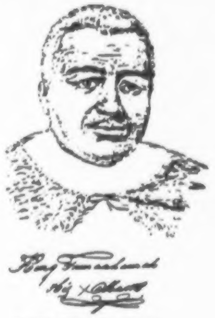
The population of Hawaii was estimated to be 300,000 by Captain Cook before his landing. The population was decreased by one, as a result of a man being killed by a small rifle barreled gun fired by Lt. Williamson in charge of the first party ashore (possibly at Makeweli) when the man refused to release a boat hook he had taken. Earlier in the morning, a volley from the Discovery was fired short of a party in a canoe to frighten them in an effort to recover a butcher cleaver from the Discovery. But the canoe party pelted Lt. Williamson's party in a pinnace with stones.

In the years to follow, venereal diseases brought by Captain Cook's squadron, and other communicable diseases brought by Europeans and other nationalities, decimated the Hawaiian people so that by 1980, the population had decreased to only 3% of what it was in 1778, or 1% of the total population of Hawaii in 1980. Whereas, the number of pure Hawaiians have decreased and continues to decrease the number and proportion of part Hawaiians have increased geometrically to 18% of the total population of the State in 1983, and to become the majority in about a generation.

Although Captain Cook named the islands, the Sandwich Islands to honor his patron, Lord Sandwich, Native Hawaiians rejected the name and continued the use of Hawaii as the name for the islands.

1778, Feb 1 One billy goat and two nannies, some sheeps and pumpkin, mellon and onion seeds were left on Niihau by Captain James Cook. The descendants of the goats caused severe erosion to occur until they were eradicated at about 1900. Erosion by goats still continues on the island of Kahoolawe.

1783 Law to protect the weak, young, aged, helpless, travellers and all those in need, including the concept of amnesty and non-retribution (the mamalahoa kanawai) promulgated by Kamehameha I at the Kaipalahoa Heiau in Hilo. This sacred and special heiau was situated at the junction of the main round the island king's highway and the Wailuku (Waianuenue) River where the only toll bridge and island wide open market existed. Within the heiau was located the sacred and prophetic Naha Stone. Legend relates that whoever should over turn the Naha Stone shall conquer all of the islands of Hawaii. Kamehameha I was the first person to so overturn and unite all of the islands to create the kingdom of Hawaii. His son, Kamehameha II had his naval cord cut on said Naha Stone.



KAMEHAMEHA THE GREAT
Kamehameha
Born: c. 1758
Died: May 8, 1819
Reigned: 1795–May 8, 1819

1787, May	First Hawaiian (Wainee, a woman) sailed from Hawaii for China as a maid to the wife of Captain Charles William Barkley of the Imperial Eagle. Wainee never returned to her home on Kauai. She died while crossing the South China Sea on her way home on board the Nootka on February 4, 1788. Also on board the Nootka was Chief Kaiana.
1787, Sept 2	Chief Kaiana sailed from Kauai to visit Canton, China on board the Nootka commanded by Captain John Meares. Kaiana returned, making his landfall at Maui on December 6, 1888, but continued on to Hawaii where he joined Kamehameha I on December 20, 1888. He brought ashore different kinds of saws, gimblets, hatchets, adzes, knives, fabrics, carpets, china-wares, and ten bars of iron which was considered a precious metal.
1790, Aug	Sandalwood trade began with Captain William Douglas of the schooner Grace leaving two of his men on Kauai to collect sandalwood. The following year, in 1791, Captain John Kendrick of the Lady Washington did the same thing. Large scale sandalwood trading did not begin until 1811 when the Albatross, O'Cain and Isabell arrived. To harvest the wood, commoners were ordered into the forests. Crop failures followed with accompanying hunger, illness and death of many. Many chiefs profited by exploitation of commoners and the forest, and purchased trinkets and other extravagances. The sandalwood trade with China involved also furs from the Pacific Northwest.
1790, Nov	First and last major modern naval battle was fought off the coast of Waimanu in North Kohala on the island of Hawaii between the combined navies of Maui under Kahekili and of Kauai under Kaeo against the navy of Kamehameha. Unlike the earlier naval battles, this was fought with modern cannons and rifles. This naval battle is known as Kapuwahaula (the red mouthed guns) to denote the the red flashes from the cannons mounted on the platform of the double canoes and the schooner Fair American, the flagship of Kamehameha I.
1793, Feb 14	A bull and a cow was given to Kamehameha I by Captain George Vancouver of the British Exploring Expedition at Kawaihae. He gave five cows and three sheeps on the following day (15th). A month later, March 12, 1793, Captain Vancouver landed more cattles and sheeps at Kealekekua Bay for Kamehameha I. The cattles came from Santa Barbara, California. These animals have destroyed native forests and caused many areas to become dry.
1794, Feb 1	Hawaiian navy yard established by Kamehameha I at Kawaihae, Hawaii where the first Hawaiian warship was built. Captain Vancouver's carpenters laid the keel and the frame before his squadron sailed. John Young was the commandant. The United States did not have a navy yard until four years later as authorized by the Act of 1794.
1795, May	Universal peace established in Hawaii by Kamehameha I by conquest. Prior to unification of all of the islands, fratricidal wars were fought regularly by ruling chiefs

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	who sought the quest to conquer all of the islands. The centers of power were Kauai, Maui and Hawaii.
1810, April	Kaumualii, the ruling chief of Kauai and Niihau, journeyed to Oahu to negotiate peace with Kamehameha I and as a result of his initiative, he received in return the continued independence of his kingdom as a tributary state of the Kingdom of Hawaii. The effect of such status was to prevent the dispossession of the chiefs of Kauai from lands under their control.
1812	Three NATIVE HAWAIIANS, Prince George (son of Kaumualii) Kenui and Hopu (first Protestant missionaries with the First American Protestant missionary company to Hawaii) enlisted in the U.S. Armed services against Great Britain. Prince George served aboard the Enterprise and the Guerrie and was discharged at the Boston Navy Yard on March 25, 1816. Prince George was the first NATIVE HAWAIIAN sent aboard to be educated.
1815-1817	Russians began to build a fort in Honolulu Harbor under the command of Robert Shaeffer. Before completion, they abandoned it when confronted by an army, and then moved on to Kauai. On Kauai they completed two forts and manned it at Waimea and Hanalei. These two forts were also abandoned when confronted by a large army ready to storm the forts. Russian government disavowed the building of the forts and the apparent attempt to annex Hawaii to Russia.
1816, Dec 14	The Russian brig. Rurick under Captain Otto von Kotzebue on an exploratory voyage gave the Hawaiian flag flying over the fort in Honolulu Harbor the first naval salute as she departed from the harbor. The harbor fort was the one began by Robert Schaeffer.
1817, Mar 12-	Direct trade with foreign nations begun by Kamehameha I by sending his brig, the Kaahumanu (the Forrester) under the command of its former owner, Captain Alexander Adams, under the flag of Hawaii to Canton China. Although the voyage was a financial failure because the Chinese port authorities did not recognize the Hawaiian flag and therefore charged higher than normal port charges, the voyage provided invaluable lesson in international trade. Kamehameha I immediately promulgated similar port charges at Hawaiian ports. After 1821, other chiefs sent other Hawaiian ships to other ports of call in trading missions to Kamchatka, the South Seas, and the Pacific Northwest.
1818, Aug 30	Kamehameha I returned the corvette Santa Rosa de Chacabuco to commander Hipaulito Bouchard of the frigate Argentina. The Santa Rosa was sold to Kamehameha I as the Victory by crewmen who had mutinied while the corvette was on raiding mission against Spanish shipping in the Pacific coastal waters for the United Provinces of Rio de La Plata

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(Argentine). The Argentina was on a similar mission in Philippine waters.

One of the documents executed by commander Bouchard and Kamehameha I dated August 20, 1818 have been interpreted by some writers as a treaty of peace, war, and commerce, and recognition of the independence of Argentine by Hawaii. Argentine declared its independence from Spain in 1816 as the United Provinces of Rio de La Plata. The war for independence began in 1810 and continued until 1819.

Careful analysis of the Bouchard-Kamehameha I document have shown that said document is not a treaty but in the nature of an agreement wherein Kamehameha I looked after the interests of Argentine such as in the case of the Santa Rosa incident, and also to service Argentine ships.

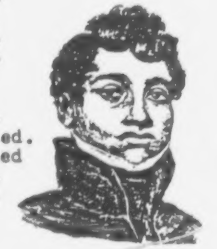
When the Argentina and the Santa Rosa sailed from Hawaii on October 15, 1818, 80 Native Hawaiians had enlisted as crewmen to fight in the war for independence against Spain along the California, Mexican, and South American coasts.

1819, April — Kamehameha I forbade the offering of human sacrifices customarily required to dedicate new luakini heiau at the death of a ruling chief, such as he, on the grounds that all men were kapu to the new king.

1819, May 9 — Death of Kamehameha I — the accession of Liholiho as Kamehameha II.

Kamehameha I bequeathed to Kamehameha II, the greatest modern army and navy in the Pacific. The army consisted of Native Hawaiians and Europeans armed with cannons and small arms. The navy consisted of sloops of war and larger ships up to 175 tons, as well as pelelu (or special designed troop transporting double canoes with platforms on which swevil guns were mounted. The ships were purchased or constructed at the Hawaiian navy yard. The pelelu were constructed at the yard in Hilo. In 1795 Kamehameha I decreed that trade with foreigners could only be made for payment in firearms. The development of arsenal of war and defense continued to about 1824.

As arms were accumulated, Kamehameha I encouraged young men to go abroad to gain new skills and experiences. One of the largest groups who left were the 80 men who enlisted to serve in the Argentine navy under commander Bouchard.



Rihoriho Iolani

KAMEHAMEHA II

[illegible]

Born: 1797

Died: July 14, 1824

Reigned: May 20, 1819–July 14, 1824

1819, Aug 15 — First Christian baptism in Hawaii (of Kalanimoku) as a Catholic by the chaplin of the French frigate Uranie a at Kawaihae, island of Hawaii.

1819, Sept 17 — First whaling ship arrive to use Hawaii as a wintering

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	center. Such use continued to September 14, 1871 when 33 ships were frozen and destroyed in the Arctic.
1819, Nov	Alii freed the Hawaiian people from the kapu and began the reorganization of the Hawaiian society. The destruction of heiau throughout the kingdom was not an act to abandon traditional religion, but a definitive act to separate religious from state practice. The king, Kamehameha II and his brother, Kamehameha III remained strong practioners of traditional religion throughout their lives. Kauwa caste of outcaste were also freed. Kauwa lived apart in distinct geographical areas. From their group came persons selected for human sacrifice at the luakini heiau (temples where ruling chiefs prayed and human sacrifices were presented at the alter). A kauwa was marked with a large dot on the forehead.
1819	First protest by commoners against the presence of forei foreigners and their lawless and insiduous activities.
1820, Mar 30	Return of three Native Hawaiians (Kanui, Hopu and Honolii) as Protestant missionaries with the first company of American Protestant missionaries they had trained for mission work in Hawaii. The three were educated at the Foreign Mission School at Cornwall, Connecticut. The school was established upon the request of Opukahaia to educate people like him from foreign lands. Opukahaia was also instrumental in the formation and arrival of the first company of Protestant missionaries into Hawaii.
1820	First schools established for the alii and retainers to learn to read and write the English language. Later, others were taught to read and write the Hawaiian language. Within a year 200 were literate; by 1824, 2,000 were literate; by 1852, 52,000 were literate or about 42% of the people in the kingdom.
1822, Jan 7	First printing in Hawaii at the Honolulu printshop published an 8 page spelling book.
1822, March 8	First laws published in Honolulu relating to imprisonment and payment of fines of seamen on leave who are "found riotous or disturbing the peace," and removal of foreigners from Hawaii who are found "guilty of molesting strangers, or in any way disturbing the peace."
1823, Sept 15	Creation of land trust by Keopuolani, the kapu and sacred queen, and first wife of Kamehameha I. She was the mother of Kamehameha II and Kamehameha III.

THIRD ERA

1823, Sept 16 sunset	Passing of Keopuolani mortal life and the beginning of her immortal life.
1824, July 14	Death of Kamehameha II in London, England from measles.
1824, Aug 8-18	Secession on Kauai to be independent suppressed. Secessionists were all pardoned, but required to go back to their homes to cultivate their homesteads, and to learn

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to read and write.

The secession provided the excuse to disposses all traditional chiefs of Kauai and to redistribute their lands to outside chiefs. No distinction was made as to whether a chief was friendly to the Kamehameha dynasty or was involved in the secession.

1824, Sept 22 Universal education law promulgated by Kaahumanu (the kuhina nui or premier), who at the same time appointed the first three graduates of her personal school at Lahaina as teachers.

1825, May 6 The bodies of Kamehameha II and Kamamalu arrived in Honolulu on board the British frigate Blonde under the command of Lord Byron (George Anson). The bodies were brought ashore on May 11. Services were held at the Kawaiahao Church. The coffins were placed in a temporary tomb after the service and then in the newly constructed Royal Tomb on the grounds of the Iolani Palace.

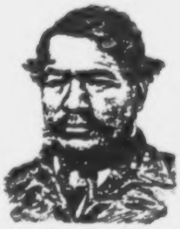
Lord Byron arrived in Hawaii with secret orders to occupy Hawaii in the name of the British crown under the alleged cession of Hawaii to Great Britain by Kamehameha I on February 25, 1794 through Captain Vancouver.should the situation in Hawaii be found to be unstable, or if stable, to affirm the independence of Hawaii from any power.

Unlike the British view, Native Hawaiians viewed the action of Kamehameha I to be a request for a protectorate only. In 1794 Hawaii could engage in war with a European power, but by 1825, Hawaii had developed the ability to wage war on land as well at sea.

1825, June 6 Accession of Kauikeaouli as Kamehameha III. Karaimoku was approved as his guardian by the national council in Honolulu.

Lord Byron recommended trial by jury at the national council. A year later, the recommendation was adopted (December 18, 1826).

Shortly after the accession of Kamehameha III, Hawaii adopted peace and pacifism as a national policy and began to disarm. In the following fifty years, guns were destroyed or sold, forts were closed and fort lands sold. Soldiers were discharged largely by attrition, culminating with the abolishment of the Household Guards on September 12, 1873.



Kamehameha

KAMEHAMEHA III

Kauikeaouli

Born: March 17, 1814

Died: December 15, 1854

Reigned: June 6, 1825–December 15, 1854

1826, Dec 27 The Hawaiian government agreed to pay the debts owed to American businessmen to Captain T.A.C. Jones of the American sloop of war Peacock by assessing every Native Hawaiian a portion of the debt amounting to 15,000 piculs of sandal-

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	wood ($120,000). In 1829 (October 14) another American sloop of war, the Vincennes brought up additional debts. These were finally settled by 1843.
1827, Dec 8	Laws on murder, theft and adultery were adopted and published. On December 14, 1827, the king, Kaahumanu and Boki exhorted the people to obey the three laws adopted and to study the proposed legislation on rum selling, prostitution and gambling.
1831, Sept	Lahainaluna High School was organized and began to hold classes on land donated by Kalakua (Kaheiheimalie), the wife of Hoapili, the last husband of Keopuolani and also a widow of Kamehameha I. Lahainaluna was the highest academic institution in Hawaii. It provided research, publication and intellectual support to the government in Hawaii, then situated at Lahaina, at the foot of the hill below Lahainaluna. The early adult students with families were selected by missionaries. Graduates filled government positions or as retainers to the alii.
1833, Jan 10	Oahu Charity School was opened on land granted by the government across King Street, seaside of Iolani Palace. Its purpose was to educate part Hawaiian children. This was the first and only school in the Pacific in which English was the instructional language. Many children from California and Oregon were educated here.
1834, Feb 14	Ka Lama Hawaii (the torch light of Hawaii) began publication at Lahainaluna High School. This was the first newspaper to be published in the Pacific.
1834, Dec 30	Nahienaena, the sacred daughter of Keopuolani, died as a sacrifice to socio-political changes in Hawaii. She was raised as a sacred princess during her first decade, educated by Christian missionaries as a youth, then excommunicated by her subjects from the Wainee (Protestant) Church founded by Keopuolani.
1839, June 7	Declaration of Rights was promulgated. This declaration was incorporated into the First Constitution of Hawaii as the preamble.
1839, June 17	Edict of Toleration was promulgated. This edict was to prevent further persecution of Catholics, including the banishment of priests, by Protestants. A month later, the French frigate Artemise arrived to protect French and Catholic interests.
1840, Oct 15	Public school law was enacted to take effect on January 1, 1841. It was amended on May 21, 1841. Under this law, a school was established in every community with 15 or more children between the ages of 4 to 14 years. Several villages could be combined to have the required 15 or more students. Parents who did not send their children to school were punished by having to conform to the old kapu. A child over 8 years who did not go to school was treated as an adult and required to work. The certified teacher who taught at the school was paid on the basis of his workload and ability, and supervised by the school committee consisting of people supporting the

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	school. The tax collector enforced the law requring the support of the school and the teacher.
1840, May	Chiefs' Childrens School was organized and opened to educate the children of chiefs recognized as qualified to become monarchs of Hawaii: Moses Kekuaiwa, Alexander Liholiho (Kamehameha IV), James Kaliokalani, David Kalakaua (Kalakaua), Lot Kamehameha (Kamehameha V), William C. Lunalilo (Lunalilo), Peter Y. Kaeo, William Kinau Pitt, Jane Loeau, Abigail Maheha, Mary Paaaina, Lydia Kamakaeha (Liliuokalani), Bernice Pauahi, Elizabeth Kekaaniau (last survivor of the Chiefs' Childrens School students), Emma Rooke, and Victoria Kamamalu.
1840, Oct 8	Promulgation of the first Constitution of Hawaii.
1842, Dec 19	United States recognized the independence of Hawaii.
1843, July 31	Kamehameha III reaffirms the principle UA MAU KE EA O KA AINA I KA PONO (the life of the land is preserved in its righteousness) after sovereignty of Hawaii was restored. Kamehameha III had ceded Hawaii to Great Britain "subject to the decision of the British Government after the receipt of full information from both parties" in a dispute over debts of certain chiefs and other matters.
1843, Nov 28	Great Britain and France recognize Hawaii as a member of the family nations. Hawaii was the first nation to be so recognized in the Pacific, Asia, Near East and Africa. Treaties were executed thereafter with France and Great Britain on March 26, 1846; Denmark on October 19, 1846; Hamburg on January 8, 1848; United States of America on August 19, 1850; Great Britain on May 6, 1852; Breman on March 27, 1854; Sweden and Norway on April 5, 1855; France on September 8, 1858; Netherlands on October 16, 1862; Italy on July 22, 1863; Spain on October 9, 1863; Switzerland on July 20, 1864; Russia on June 19, 1869; Japan on August 19, 1871; Austro-Hungary on June 2, 1876; Germany on September 19, 1879
1845, May 21	Alii considers the sale of land to foreigners and mahele (partition) of communal lands.
1845, Jun-Aug	Commoners petition against the sale of lands to foreigners and the appointment of foreigners to government offices.
1845, Dec 10	Alienation of lands and mahele began with the creation of the Board of Commissioners to Quiet Titles. Board organized on February 11, 1846 to hear proof of people's right to lands. Caucasians were the first to submit proofs and to receive grants under this law. Chiefs disagreed for two years. In 1846 and 1847 there were 67 grants awarded for a total of 3,146 acres throughout the kingdom.
1848, Jan 27-Mar 7	Agreement reached by some alii and chiefs on mahele: Kamehameha III received 2/3 of the lands in Hawaii, and some alii and chiefs received 1/3. Participating alii and chiefs were composed of 235 pure Native Hawaiians; 9 part Hawaiians (heirs of Englishmen John Young and

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Issac Davis, and Spaniard Don Francisco de Paula Marin); 1 Tahitian (retainer in the service of Chief Boki, governor of Oahu); and 6 Caucasians (an American medical missionary and 5 others who served the government in low ranking positions or the alii). Each of these persons, by himself, or in case of minors by their guardians, certified that "I hereby agree to this division; it is satisfactory. The lands above inscribed are the king's. I have no right to them" on the left side of the mahele book. The king at the same time, sitting with the chief at the table, certified on the right side of the mahele book that "I hereby agree that this division is satisfactory. The land (or lands) above inscribed is (are) (here specifying the name of the chief). He (the chief) has permission to take them before the Land Commission." Each chief and the king affixed their respective seal to his name.

The size and number of parcels of land obtained by each chief ranged from half a parcel amounting to less than an acre to over 60 parcels totaling over 150,000 acres in case of Victoria Kamamalu, a minor, and William Charles Lunalilo, a minor.

Most of the alii lands have devolved into the Bishop Estate by way of Kamehameha III (not the crown lands) to Victoria Kamamalu, to Kekuanaoa, to Ruth Keelikolani, to Bernice Pauahi Bishop, then to the Bishop Estate. Also, from Kamehameha III to Akahi II, to Charles Reed Bishop, to Bernice Pauahi Bishop, then to the Bishop Estate. Lastly, from Charles Reed Bishop directly to the Bishop Estate. The descendants of all of these persons have been disinherited — their inheritances are in the Bishop Estate.

Alii who did not participate in the mahele but became monarchs were Alexander Liholiho (Kamehameha IV), David Kalakaua (Kalakaua) and Lydia Kamakaeha (Liliuokalani). Other alii who did not participate were Luahine, Eliza-Kekaaniau, Bernice Pauahi, Kapiolani and many others.

Credit for parcelling of the mahele lands have been assumed by Jona Piikoi in his autobiography as follows: "some of the chiefs said that they did not wish for me to divide lands for them. I made reply to them that if they would not take my division, they must lose all their lands, from Hawaii to Kauai. Jona Piikoi was a commoner who began public service as a tobacco lighter to Kaumualii, king of Kauai. Kaumualii ordered Piikoi into the service of Kamehameha II as a tobacco lighter as an act of gratuity when Kamehameha II visited him on Kauai.

1848, March 8 Kamehameha III divided his 2/3 portion of the mahele lands: about one half was retained, and the remaining portion was given to the government. All mahele lands have the encumbrance, "subject to the rights of tenants."

The Kamehameha III mahele lands have been reduced from about 2/3 of the lands in Hawaii to about 1/3. Such lands exists today as the Hawaiian Homes Commission Act and the Admission Act Section 5(f) land trusts.

1849, Aug	French troops landed in Hawaii to enforce religious freedom of Catholics, sale of liquor and other minor demands.
1850, Aug 6	Kuleana grants to commoners out of the lands granted to the chiefs, the king, and the government. Commoners receive only 0.7% of the lands in Hawaii instead of the 33 1/3% they should have received as a class. Lands were awarded only for lands in use. Lands in fallow were denied, even though this was an acknowledged cultural practice to maintain the fertility of the soil. The kuleana grants were designed to deny lands to commoners. On the island of Niihau, no kuleana grants were awarded although the government did consider selling such lands to the people residing thereon in 1853. A petition dated May 16, 1855 was forwarded to the House of Representatives requesting that the government to send J.W. Marsh and not Asa Hopu to survey the lands. The government did nothing, and instead sold the entire island for $10,000 in gold to a Scotch ranching family seeking better pasture lands in 1864. As soon as the buyers arrived, about one half of the residents moved away. In 1860 the population was 647; in 1866 it was 325; and the population continued to decline until the 1930 census recorded the lowest with only 136 residents. On the other end of the island chain, the government also dispossessed the residents of the District of Puna on the island of Hawaii. In between, the dispossession was of lesser severity.
1851, July 11	After dispossessing the commoners, government lands were opened for sale in lots not to exceed 50 acres at 50¢ an acre. In 1853 lot size was increased to not more than 100 acres, and price lowered to be not more than 12½¢ an acre. Most Native Hawaiians could not buy lands because they did not have money. Most of the lands were sold to foreigners. Many commoners joined together to purchase large tracts of land and engaged in joint use. Such groups were known as hui, and the lands were called hui lands. The earlier hui structure was based upon traditional reciprocal relationship based on trust. Later hui were organized under articles of incorporation. Many hui lands have been partitioned under the partition act of 1923.
1852, June 14	Second Constitution promulgated. Condemnation of the newly acquired private lands provided for in this revised Constitution.
1853-1854	Annexation treaty between Hawaii and the United States negotiated by Kamehameha III. Only the king's signature remained when he died.
1854, Dec 15	Death of Kamehameha III, the last of the non-Christian ruling chiefs and kings. Both he and his sister (Nahienaena) were tutored by Christian missionaries. Whereas Nahienaena wavered between Christianity and traditional religious beliefs and practices, Kamehameha III did not

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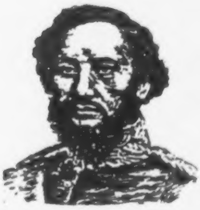
and neither did Kamehameha II and their father, Kamehameha I. Kamehameha III was strongly affected by treatment of Nahienaena by Christians before and after her excommunication from the Church founded by his mother, Keopuolani.

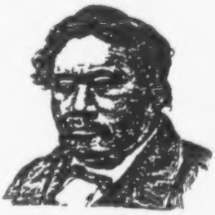


KAMEHAMEHA IV
Alexander Liholiho
Born: February 9, 1834
Died: November 30, 1863
Reigned: December 15, 1854–November 30, 1863

1855, Jan 11 Alexander Liholiho accession as Kamehameha IV.

1860, June 17 Queens Hospital for Native Hawaiians sponsored by Kamehameha IV and Queen Emma. Queens Hospital (now Queens Medical Center) no longer has special provisions for Native Hawaiians. It received a Royal Charter in 1859.

1863, Nov 30 Kamehameha IV died, and Lot Kamehameha accends as Kamehameha V.



KAMEHAMEHA V
Lot Kamehameha
Born: December 11, 1830
Died: December 11, 1872
Reigned: November 30, 1863–December 11, 1872

1864, Aug 20 Third Constitution promulgated by Kamehameha V. Property qualification of $150 above all encumbrances and annual income of $75 resulted in the removal of many Native Hawaiians from the voter rolls. Property qualification to be a representative of $500 above all encumbrances and an annual income of $250 limited candidacy to the propertied class. Disenfranchisement of Native Hawaiians began. Universal sufferage did not return to Hawaii until after the abrogation of the monarchy and the establishment of the Territory of Hawaii.

1870, July 18 Adverse possession (legalized stealing) of lands enacted into law.

1872, Dec 11 Death of Kamehameha V.

1873, Jan-Mar Lt. General John M. Schofield observed during the course of a survey of Hawaii for the defense of the west coast of the United States that:

> "The continuous and rapid decay of all the ancient families of chiefs, from which alone would the people ever think of electing a king or a queen, and the notorious corruption in blood and character of the few remaining half-castes nominally belonging to those ancient families, made it plain to all that the monarchial government must soon die a natural death, or become so intolerably corrupt as to make its overthrow inevitable."

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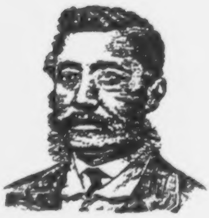


Lunalilo

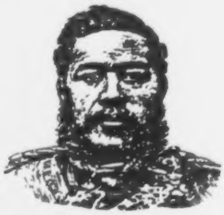
LUNALILO

William Charles Lunalilo

Born: January 31, 1835

Died: February 3, 1874

Reigned: January 8, 1873–February 3, 1874



Kalakaua Rex.

KALAKAUA

David Kalakaua

Born: November 16, 1836

Died: January 20, 1891

Reigned: February 12, 1874–January 20, 1891

1873, Jan 8	William Charles Lunalilo calls for and have his accession to the throne confirmed by popular election and by the Legislature
1873, Sept 12	Armed force of Hawaii, the Palace Household troops, was abolished.
1874, Feb 3	Death of Lunalilo.
1874, Feb 12	Accession of David Kalakaua as Kalakaua seriously challenged by Queen Emma, the wife of Kamehameha IV. Supporters of Queen Emma protest the election by the Legislature, but are suppressed by American and British troops called by Kalakaua. After the inauguration, Kalakaua provides cheap long term leases to sugar planters for their support in the election.
1876, Sept 9	Reciprocity Treaty providing special tariff on sugar imported into the United States from Hawaii became effective and begin a boom in sugar cultivation on an industrial scale. Ladd & Co. at Koloa, Kauai, was the first of such plantations (July 26, 1835). The American Civil War created an enormous demand for Hawaiian sugar in the North as a result of blockade of Carribean Southern sugar shipment to the North. Sugar production in Hawaii expanded to meet the demand. One of the earliest sugar cane mill. was built on the island of Lanai in 1802 by a Chinese sugar farmer. Sugar cane has always been cultivated by Native Hawaiians for household uses.
1879, Dec 31	Construction of Iolani Palace began. Cost paid by sugar cane and water leases.
1881, Jan 20-Oct 29	Kalakaua travels around the world. He was the first monarch of the family nations to do so and received as such.
1884, Aug 29	Homestead Act provided for purchase of from two to 20 acres of dry lands and not more than two acres of wet land at price fixed by appraisal and right to purchase by mortgage. Construction of a dwelling was required to be built within a year.
1887, May 8	The Hawaiian training warship Kaimiloa was sent to Samoa

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by Kalakaua to establish a protectorate over Samoa, but the mission failed. The effort to establish a Hawaiian sphere of influence extended to the Gilbert Islands, New Hebrides and Tonga. It began at about 1883.

1887, July 7 Kalakaua promulgated the fourth Constitution of Hawaii which made him a ceremonial figure head. Political power was shifted to the cabinet appointed by the monarch, but the cabinet was responsible to the Legislature. In the Legislature, the Hawaiian, English or any European language requirements in both houses precluded Asians from participation in the political process. The election of Nobles by an electorate of propertied persons with income of $600 in the preceeding year and with property worth over $3,000, and the Noble candidate with the same property requirements made the House of Nobles virtually a house of Caucasians. The property requirements for the House of Representatives remained the same as the 1864 Constitution.

1887, Nov 9 Pearl Harbor lease to the United States was tied to the extension of the Reciprocity Treaty of 1876 for a period of seven years from the date of exchange of ratification of the Treaty on November 9, 1887.

The McKinley Tariff (October 1, 1890) wiped out the monetary advantage Hawaiian sugar had in the American market compared to sugar from other countries, and as a result an economic depression and political instability emerged in Hawaii.

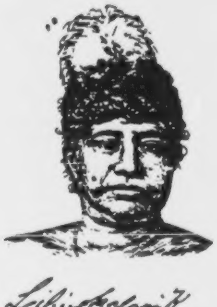
1888, July 1 Hawaiian people became a minority in Hawaii: Pure Hawaiians 36,310 (42.7%); Part Hawaiians 5,530 (6.5%); Chinese 17,439 (20.5%); Portuguese 11,486 (13.5%); Japanese 7,084 (8.4%); American 2,412 (2.8%); British 1,605 (1.9%); German 1,489 (1.7%); Polynesian 737 (0.9%); Norwegian 333 (0.4%); French 124 (0.2%); Other foreigners 434 (0.5%). Total 84,983. Pure Hawaiians became a minority in 1884. Census enumeration of pure Hawaiians on December 27, 1884 was 40,014 (49.6%).

Under the census of 1890, 65% of the electorate were Hawaiian and therefore the Hawaiians controlled the House of Representatives, but the extraordinary high property qualification for the House of Nobles gave control of the House of Nobles to Caucasians.

The high property qualification to be on the rolls of the electorate and the necessity to swear allegiance to the Republic of Hawaii transferred control of the government of the Republic wholly to an oligarchy of Caucasians from 1893 to 1900.

With the establishment of universal sufferage under the Territory of Hawaii, Native Hawaiians regained control of the government, except for the governorship, until 1922 when more than half of the electorate were Hawaiians, and continued to be the dominant ethnic group until 1938.

1890, Oct 1 Homesteading on private lands was authorized by an innovative legislation. Government was authorized to contract with private landowners to subdivide private lands for homesteading. Purchase price was paid to the private landowner.



Liliuokalani R

LILIUOKALANI

Birth: September 2, 1838

Died: November 11, 1917

1891, Jan 20	Death of Kalakaua in San Francisco.
1891, Jan 29	Accession of Lydia Kamakaeha Liliuokalani as Liliuokalani.
1892, Jan 9	Homestead Act of 1884 was revised to provide for joint fencing with neighbors, as well as to provide for substitute homesteaders.
1893, Jan 17	Liliuokalani "yield" to the United States Minister to Hawaii, John L. Stevens, her "authority until such time as the Government of the United States shall, upon the facts presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands." American troops were landed on January 16, 1893, the day before, and stationed beside the government building occupied by the revolutionists facing the Royal Troops across King Street at the Iolani Palace. Immediately after the Provisional Government was established, it was recognized as the legitimate government of Hawaii by Minister Stevens.
1893, Feb 1	Members of the Royal Hawaiian Band refuse to be bought to serve as members of the band. Those who remained were offered pay raises up to 140%, but they had to swear allegiance to the Provisional Government. Those who refuse loyalty to the Provisional Government ate "rocks". A year later the band members who left in demonstration of their loyalty to Liliuokalani celebrated the anniversary with the composition of Kaulana Na Pua.
1893, Nov 13	Albert S. Willis, after replacing Stevens as Minister to Hawaii, conferred with Liliuokalani concerning the subject of restoration of the monarchy by the United States. She refused the American condition that full amnesty be granted to the revolutionists. She maintained that they must be punished. A second conference on December 16, 1893 produced no substantive change in her position. The modification was to change punishment by execution to banishment from Hawaii.
1893, Dec 23	Provisional Government replied to the United States that the United States has no right to interfere in the internal affairs of Hawaii.
1894, July 4	Oligarchy established as the Republic of Hawaii. Property qualifications and loyalty oath restricted participation in government to rich Native Hawaiians and non-natives.

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1895, Jan 6 Revolution to overthrow the oligarchy and to restore the government to the people led by Robert Wilcox. Wilcox did not lead the revolt to restore Liliuokalani. Liliuokalani wished to assume personal control under an autocracy, contrary to the evolution of government in Hawaii under the Kamehameha and Lunalilo dynasties toward a government by the people. Within a year all of the people involved in the 1895 revolution were pardoned.

1895, Aug 14 Native Hawaiians and others without money to buy lands were given agricultural and pastoral lands they had occupied or wish to occupy under 999 year homestead leases by payment of $2 first year, $5 on 6th year and annual property tax. This was the first and only time in the history of Hawaii that people without money were cared for by the government by granting them lands.

Under 64 Stat. 572, C 833, 9/50 999 year homestead leases were converted into fee simple homesteads.

Other provisions of the 1895 homestead law provided for Right to Purchase Lease in which homesteaders were determined by drawing of lots, and Cash Freehold Agreement in which price was determined by bids on lots.

Residences, cultivation and fencing were required.

1898, July 7 Annexation of Hawaii by the United States was followed immediately after the outbreack of the Spanish-American War (April 25, 1898). This war demonstrated the strategic importance of Hawaii to the United States. Under the treaty of annexation and the joint resolution providing for annexation, all public lands and other public properties were ceded in trust for the benefit of the "inhabitants of Hawaii".

1900, April 30 The Organic Act for the Territory of Hawaii provided at Section 55 for the dissolution of sugar plantations by forfeiture of corporate lands of over 1000 acres. This provision was circumvented by holding lands in partnerships or by organizing many corporations holding lands up to 1000 acres. The hostile attitude of Congress toward sugar plantations was very clear.

Hawaiian members of the commission on the Organic Act pressed for literacy and high property requirements for the electorate to control and suppress non-Caucasians, especially Native Hawaiians, but Congress rejected and provided for universal sufferage.

1900, May 31 Congress withdrew the Royal Mausoleum from any sale, lease, or other disposition under the public land laws of the United States. The resolution was prepared and introduced by Senator Clark of Wyoming upon the request by concerned people who met him during his visit to Hawaii.

1900, Nov 6 Universal sufferage provided for in the Organic Act made it possible for Native Hawaiians running under the Home Rule party banner to control all elected offices of the Territorial government. To commemorate the event, the American Declaration of Independence was read in the

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	Hawaiian and the English languages on the first working day of both houses of the first Territorial Legislature in 1901. Home Rule leader, Robert Wilcox, was elected to be the first delegate to Congress.
1903, April 28	Land Court established to strenghten adverse possession of lands to eliminate native interests.
1903, June 1	Advanced state of civilized government existing in Hawaii before annexation by the United States recognized by the U.S. Supreme Court in the case Hawaii vs. Mankichi, 190 U.S. 197, 211.
1910, May 27	Twenty-five or more qualified persons empowered to open homesteading of any tract of public lands.
1917, May 26	Delegate Kuhio Kalanianaole introduced H.R. 4722 to control speculation of public lands under the 1910 homesteading act without sanction of Territorial Legislature.
1919, April 3 25	Territorial Senate Concurrent Resolution No. 2 adopted by the Legislature to open public lands for Hawaiian homesteading.
1920, Feb 21	Delegate Kalanianaole introduced H.R. 12683 (S 3971) providing for 999 year homesteading leases for minimal blood quantum Hawaiians as provided in Senate Concurrent No. 2, but it died in committee.
1920, April 8	Delegate Kalanianaole introduced H.R. 13500 providing for homesteads for 1/32 blood quantum Hawaiians. The House of Representatives approved, but the Senate objected.
1921, April 6 19	Hawaiian Legend and Folklore Commission created and funded to collect, print and publish legends, folklore, and music, meles of Native Hawaiians.
1921, April	The Historical Commission created and funded to compile and publish a revised history of the Hawaiian people. Since 1932, the University of Hawaii had assumed control of the project and published Volume I of the History of Hawaii: the Hawaiian Kingdom by R.S. Kuykendall in 1938.
1921, April 26	The Bishop Museum (created on October 13, 1896 — Lib. 164, pp. 387-391) is made a Territorial depository for specimen and objects of natural history, and of ethnological and archeological value.
1921, May 13	Delegate Kalanianaole introduced H.R. 6204 (S 1881) providing homesteads for ½ plus blood quantum Hawaiians as approved by the Territorial Legislature and Hawaiian community leaders and organizations, including sugar and ranching industry. This bill was approved by both houses of Congress and enacted as the Hawaiian Homes Commission Act, 1920. Although 200,000 plus acres were made available for homesteading to Native Hawaiians on lands they did not receive as a class in the Great Mahele of 1848, only wastelands were actually made available for use by Native Hawaiians. Good lands and water were reserved and made available to sugar planters. In addition, the 1000 acre limitation to corporations set forth in Section 55 of the Organic Act to phase out the plantation system

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was eliminated.

1923, April 26	Bill of Rights for the Territory of Hawaii was enacted into law by the Territorial Legislature to prove Hawaii's status as an "integral" part of the United Status on equal footing with the other States of the United States.
1926, June 30	Pure Hawaiians with a population of 23,069 or 7.0% of the total population in Hawaii numbering 328,444 became a minority in the Hawaiian community. Part Hawaiians with 24,147 (7.35%) has surpassed in numbers. Part Hawaiians emerged shortly after 1790. The growth in numbers of part Hawaiians has had grave political repercussion. In 1980, part Hawaiians comprising 17.9% of the total population of Hawaii compared to 1% of pure Hawaiians have used their numbers as political force to eliminate the recognition of pure Hawaiians and NATIVE HAWAIIANS as an entity so that the Admission Act land trusts will be taken away from NATIVE HAWAIIANS. In such action, part Hawaiians are repeating what their foreign ancestral lines have done to pure Hawaiians.
1928, Dec 20	High Chief Elizabeth Kekaaniauokalani Kalaninuiohilaukapu Pratt died (born: September 11, 1834). She was the last of the Chiefs' Children School students. All of the students were recognized by the kingdom as being eligible to become the monarch of Hawaii.
1933	Nanakuli Hawaiian Homes Commission lands homesteaders organized the Nanakuli Improvement Club to provide community development of water, road, churches, and other necessary facilities. When the first homesteaders moved in, the streets were not improved, but merely graded with dirt or coral. Each homesteader improved his or her own lot and built their homes. Drinking water was obtained from Waianae or Honolulu. Some homesteaders drank brackish water from drilled wells from the coral acquifer on their lots. The improvement club was a further evolution of the old hui and the forerunner of the Hawaiian homesteaders' associations of today.
1947, March 5	The Interior Department recommended draft language for second land trust for Native Hawaiians (part of the 180,000 acres of the ceded lands to be returned to Hawaii upon admission into the federal union). Remainder of ceded lands were to be managed by the Interior Department.
1947, June 30	Delegate Wallace R. Farrington argued on the floor of the House of Representatives that all ceded lands must be returned to Hawaii because these lands were ceded in trust to the United States for the benefit of the inhabitants of Hawaii.
1959, Mar 18	Hawaii became the 50th State of the federal union. The Hawaiian Homes Commission Act, 1920 was made a compact between the State of Hawaii and the United States under Section 4 of the Admission Act. Hawaii confirmed the compact in Article XII of its Constitution.

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A second land trust for Native Hawaiians was also created under Section 5(f) of the Admission Act (part of the 1,500,000 + acres of ceded lands returned to the State of Hawaii.

These two Admission Act land trusts for Native Hawaiians are significant phenomena. At no time in the history of Hawaii was there any official distinction between natives of Hawaii and other ethnic and nationalities. Everyone was considered and treated equally under the ruling chief or king as his subject. Foreign citizens were treated as subjects of foreign countries.

Congress in distinguishing the rights of Native Hawaiians from other people of the general public had created two distinct classes in Hawaii with interests in the ceded lands heretofore included in the general class "the inhabitants of Hawaii." Such distinction does conforms to the facts of the mahele of 1848 which underlay the ceded lands. The United States, by creating the class, "Native Hawaiians" have recognized that the interests of Native Hawaiians is based upon their interests in the unalienated communal lands of Hawaii which has not been extinguished to the present.

1965, July 12 Hawaiian Home lands were made available for leasing to the general public by the State Legislature under Act 271. Thereafter huge tracts were leased to prominant politicians who were involved in passage of Act 271. Today, 80% of the Hawaiian Home lands are on lease to non-beneficiaries.

1968, March 8 First major demonstration against the administration of Hawaiian Home lands program. Protest was filed with Congress against the U.S. Housing and Urban Development Department, City Demonstration Project (Model Cities) plan to destroy Nanakuli Homesteads of the Hawaiian Homes Commission Act.

1975, Jan 4 Definition of "Native Hawaiian" is changed from ½ plus blood to minimal blood quantum in the Native American Programs Act of 1974. This was the first step to eliminate Native Hawaiians as a class by conspirators. A few weeks later, a non-profit corporation was created to receive Native American Programs Act funds to carry forward the "program" to eliminate Native Hawaiians as a class by legislation and then to take over the Native Hawaiian land trusts for their own benefit.

At issue is "who is a native". To live as a Native Hawaiian or "native" has far reaching effect with adverse vital statistical, socio-psychological, and pathological rates objectifying severe problems in the life of "natives."

Generally, higher blood quantum people live as "native" in contrast to lower blood quantum people who live as "haole". However, many high blood quantum people are for all practical purposes "haole" and are in fact hostile to those who live as "native". Many such high blood quantum people appear to the general public as "leaders" of the general public community, not of the native.

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1977, March	The HAWAII CEDED LAND TRUSTS: ITS USE AND MISUSE published. This study on the Admission Act Section 5(f) land trust reoriented the direction of Hawaiian movement. The Office of Hawaiian Affairs of the State of Hawaii was created to neutralize organizing of the Native Hawaiian community.
1978, Sept 4	Hilo Airport demonstration. Fifty-one persons were arrested for "entering a restricted area", that is onto Hawaiian Homes and Admission Act Section 5(f) trust lands. All cases were dismissed more than a year later after extensive pretrial actions.
1978, Nov 2	State Constitution amended to provide at Article XII, Section 4 that the Admission Act Section 5(f) trust lands are for the benefit of Native Hawaiians and the General Public. In Sections 5 and 6, the Office of Hawaiian Affairs provision for Native Hawaiians is redirected by legislation to suppress Native Hawaiians.
1979, March 30	Hawaii, U.S. Civil Rights Commission, Advisory Committee workshop on the Admission Act Section 5(f) and the Hawaiian Homes land trusts were held at the Ala Moana Americana Hotel.
1979, Aug 1, 27	U.S. Department of Justice and the Department of the Interior acknowledge trust responsibilities to Native Hawaiians regarding the Admission Act land trusts in letters to the U.S. Civil Rights Commission Western Regional Office.
1979, Dec 7	The State of Hawaii bulldozed and burnt Native Hawaiian residents' homes on Sand Island in Honolulu Harbor, and then arrested the residents for "obstructing government operations" on Admission Act Section 5(f) trust lands led by a Hawaiian deputy Attorney General as the residents sang "Hawaii Aloha" on January 23, 1980.
1980, April 1	The decennial U.S. Census recorded the first Native Hawaiian urban to rural movement in historic times. The movement is from the city of Honolulu to rural Oahu and from Oahu to other islands, and remote areas throughout the State. Pure Hawaiians number 9,366 (1.0%) and Part Hawaiians 166,087 (17.9%) of the total population numbering 930,271. Other ethnic groups are: Caucasians 244,832 (26.3%); Japanese 244,176 (23.5%); Filipino 104,547 (11.2%); Chinese 47,275 (5.1%); Korean 11,803 (1.3%); Negro 11,799 (1.3%); Samoan 11,173 (1.2%); Puerto Rican 6,649 (0.7%); Other unmixed or unknown 10,723 (1.2%); and mixed non-Hawaiians 87,840 (9.4%).
1980, Sept 7	Native Hawaiians (50% plus blood quantum) ruled to be a charitable purpose under Section 501(c)(3) of the U.S. Internal Revenue Code of 1954 in the application for recognition for exemption by Ho'ala Kanawai, Inc. (Awakening the Law). To provide for the betterment of the conditions of Native Hawaiians under the Admission Act land trusts is the only purpose of Ho'ala Kanawai, Inc.
1980, Oct	Publication of BREACH OF TRUST? NATIVE HAWAIIAN HOMELANDS

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	by U.S. Civil Rights Commission on the proceedings of a public forum by the Hawaii Advisory Committee to the U.S. Civil Rights Commission on August 27, 1979. Monitoring of State civil rights violations continuing.
1980, Oct 31	Law suit filed by twelve Native Hawaiians against the State of Hawaii by way of the United States in Washington, D.C.
1980, Nov 4	Referendum to affirm annexation of Hawaii by the United States is adopted overwhelmingly by Hawaiians — by way of registering and participating in the first Office of Hawaiian Affairs election of trustees authorized by the General Public in the State Constitution at Article XII. Native Hawaiians boycotted the Office of Hawaiian Affairs registration and election of trustees, and thereby the indirect referendum pressed forward by "Hawaiian leaders".
1980, Dec 3	The formation of a federal-state task force on the Admission Act land trusts for Native Hawaiians is set forth in a letter from Cecil D. Andrus, Secretary of the Interior, to George R. Ariyoshi, governor of Hawaii, after admitting the administrative failures of the land trust programs. This letter was in response to the lawsuit filed by twelve Native Hawaiians in Washington, D.C. on October 31, 1980. When the federal-state task force was finally organized more than a year later, it was stacked against Native Hawaiians and their input as well as their interests.
1980, Dec 22	Public Law 96-565 mandates report on the "culture, needs and concerns of the native Hawaiians." Title I Native Hawaiian is ½ plus blood quantum. Title III native Hawaiian is no minimal blood quantum. Members of the Native Hawaiian Study Commission from Hawaii stacked with advocates for elimination of Title I Native Hawaiians (as defined in the Hawaiian Homes Commission Act).
1981, May 21, June 8	Petition in Congress from the State of Hawaii, House of Representatives (House Resolution No. 377) providing for changing the definition of Native Hawaiians in the Hawaiian Homes Commission Act, 1920. Person who introduced House Resolution No. 377 was the chairman of the Native Hawaiian Study Commission. Purpose of the move to change the definition of Native Hawaiian is to take from Native Hawaiians their Admission Act Section 4 (Hawaiian Homes Commission Act, 1920) and Section 5(f) land trusts. The Native Hawaiian Study Commission has been used as the vehicle to buttress the move to change the definition of Native Hawaiian in the Hawaiian Homes Commission Act.
1981, May 30	Native Hawaiian Land Trust Task Force was organized to facilitate full development of the two Admission Act land trusts for Native Hawaiians: The Hawaiian Homes Commission Act, 1920, and the Admission Act Section 5(f) land trust. The Native Hawaiian Land Trust Task Force is a state-

wide coalition of individuals and organizations culminating a decade of evolution of the Native Hawaiian community toward development of the Admission Act land trusts.

The coalescing began with the protest against the U.S. Housing and Urban Development Department, City Demonstration Project (Model Cities) plan to destroy the Hawaiian Homes Nanakuli Homesteads on March 8, 1968.

In 1970 the "Hawaiians" emerged to facilitate homesteading and full implementation of the Admission Act land trusts for Title III Native Hawaiians.

In 1972 the "Ohana o Hawaii" was organized to Native Hawaiian self sufficiency and housing with no support from government grants.

In 1977 "Ho'ala Kanawai, Inc. (Awakening the Law)" was organized to provide for full implementation of the Admission Act land trusts for Native Hawaiians.

In 1979 "Ahahui Ohana Moku Anuenue (Society of Families of Sand Island)" was organized to provide for self sufficiency of the families of Sand Island.

In addition there are many other Title III Native Hawaiian organizations.

1982, Feb 2 The Hawaii Supreme Court ruled that the Hawaiian Homes Commission must adhere to the most exacting fiduciary standards as are applicable to private trustees for the benefit of the Native Hawaiian beneficiaries in Ahuna vs. Department of Hawaiian Home Lands at 64 Hawaii 327. under Article XII, Sections 1-3.relating to adoption of the Hawaiian Homes Commission Act, 1920, as a compact with the United States by the State of Hawaii.

1982, April "Native Hawaiian (50% Plus Blood) Federal State Task Force and Self Governance Project" was denied funding by the Administration for Native Americans on the grounds that the project is in "conflict with the legislation, regulations and philosophy of the ANA program. The applicant seeks to represent only.those Native Hawaiians of 50% or greater blood quantum."

Under ANA Program Announcement 13612-822, 48 Federal Register 55779, one of the three program goals was "to develop or strengthen tribal or community institutions and Native American leadership to assure local control and decision making over all resources."

Native Hawaiians (50% plus blood) have since 1977 sought funds to develop self governance based upon its Admission Act Section 4 (Hawaiian Homes Commission Act, 1920) and Section 5(f) land trusts.

In 1977, House Bill No. 1469 was introduced in the State Legislature to develop self governance under the Admission Act land trusts for Native Hawaiians.

In 1978 House Bill No. 2683-78 was introduced in the State Legislature to fund a Statewide Conference on Native Hawaiian Programs. The funding measure passed all readings in both houses of the State Legislature, but died in the Senate-House Conference Committee. The money to be appropriated was used as matching funds for the Administration for Native American prime sponsor in Hawaii. Their funding measure died after just one reading in one house.

In 1979 House Bill No. 1468 was introduced with virtually identical provisions as the 1977 legislation, H.B. 1469. This bill was filed.

In 1980 an application for funding of a Statewide Conference for Native Hawaiians was filed with the Administration for Native Americans, but it was returned as having been unsolicited. In fact, the funding was approved and funds found, but the funds were diverted through the Community Services Administration Western Regional Office in San Francisco, and then to the Honolulu Community Action Program, Inc. for the Volunteers for the Office of Hawaiian Affairs (V.O.H.A.) to propagandize the election for the Office of Hawaiian Affairs. V.O.H.A. being an ad hoc committee has since then dissolved. The V.O.H.A. funding was also unsolicited.

Since 1975 to the present, all federal and State funds (including Native Hawaiian land trust funds) have been spent to prevent the development of Native Hawaiian (50% plus blood) self governance and to eliminate Native Hawaiians as a class.

1982, May 1-2 Native Hawaiians from all of the islands get together for the first time and participate in the First Great Hawaiian Jubilee in Honolulu.

1982, June 18 State of Hawaii enacts into law Act 272 (H.B. 105) to lower the blood quantum of Hawaiian Home lessees. This law requires Congressional approval and therefore the necessary approval has been orchestrated into the Native Hawaiian Study Commission minority report to Congress and the President.

1982, Sept 8 The Inspector General of the Department of the Interior concluded after its audit of the State Department of Hawaiian Home Lands that the State has failed to fulfill the four principal objectives of the Hawaiian Homes Commission Act:

1. That "the Hawaiians must be placed on the land in order to insure his rehabilitation."
2. That "the alienation of such land, now and in the future be made impossible."
3. That "accessible water in adequate amounts be provided for all tracts."
4. That "the Hawaiian must be financially aided until his farming operations are well under way."

1982, Sept 23 DRAFT REPORT OF FINDINGS of the Native Hawaiian Study Commission found that "(t)here is most likely no specified trust relationship between the United States and the native Hawaiians established by law of the United States. At the most there is a very limited special trust. Native Hawaiians are therefore not entitled under existing law to compensation for any breach of a trust duty toward them." Page 241.

1983, Feb Self determination bills for Native Hawaiians to develop and to administer the two Admission Act land trusts for

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	Native Hawaiians (House Bill No. 1373 and Senate Bill No. 986) are shelved by leaders of the State Legislature. Both houses are headed by Hawaiians.
1983, March	The State Legislative Auditor found in its audit of the Admission Act Section 5(f) funds and trust lands that the State does not have an adequate inventory of the land trust assets and that Native Hawaiians are being short changed in the process in breach of the State's compact with the United States.
1983, May 17	The State Office of Hawaiian Affairs deny funding to the Native Hawaiian Land Trust Task Force to publish THE NATIVE HAWAIIAN (Public Law 96-565, Title I) CULTURE, NEEDS AND CONCERNS REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA on the grounds that: "The deadline for receipt of comments to the "culture, needs and concerns of the Native Hawaiians" as set forth under P.L. 96-565 has already passed. Although your effort to submit a report is praiseworthy, its effect would be substantially mooted."
1983, May 26	The State Department of Hawaiian Home Lands deny funding to the Native Hawaiian Land Trust Task Force to publish THE NATIVE HAWAIIAN (Public Law 96-565, Title I) CULTURE, NEEDS AND CONCERNS REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA on the grounds that the said report duplicates the Native Hawaiian Study Commission report, and that time is too short for Native Hawaiians to prepare its report.
1983, June 23	Title I Native Hawaiians submit the first volume of their report on the "culture, needs and concerns" to the President and the Congress. The report has been entirely paid for by Native Hawaiians from their personal savings with additional support from their friends. Volume I: THE NATIVE HAWAIIAN (Public Law 96-565, Title I) CULTURE, NEEDS AND CONCERNS REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA. Volume II: NATIVE HAWAIIAN DECLARATION AND CLAIMS. Volume III: VIDIO REPORT on THE NATIVE HAWAIIAN (Public Law 96-565, Title I) CULTURE, NEEDS AND CONCERNS REPORT TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA.
....	Actions to fully implement, or to destroy the Admission Act land trusts for NATIVE HAWAIIANS.

Copyright 1983

NATIVE HAWAIIAN LAND TRUST TASK FORCE
1021 University Avenue, Room 2
Honolulu, Hawaii 96826
Tel. No. 946-4351.
April 11, 1983

Mr. Joseph G. Kealoha, Jr.
Chairman and Trustee
Office of Hawaiian Affairs
State of Hawaii
567 South King Street, Suite 100
Honolulu, Hawaii 96813

Re: Application for Grant on Report to the President and the Congress on "culture, needs and concerns."

Dear Mr. Kealoha, Jr.,

Native Hawaiians from the grass roots community is submitting to the President and the Congress of the United States a report on the "culture, needs and concerns of the Native Hawaiians," as defined in Title I of Public Law 96-565. The Native Hawaiian Study Commission is mandated to report on Native Hawaiians as defined in Title III of Public Law 96-565 only.

The attached proposal has been submitted to the Department of Hawaiian Home Lands for partial funding out of the Native Hawaiian Rehabilitation Funds for the sum of $15,000.00 to support the report.

The grass roots Native Hawaiians seek funding of the remainder amounting to $72,580.00 out of the Admission Act Section 5(f) land trust funds for Native Hawaiians. Testimony by your Administrator at the Legislature indicates that there are more than $2,500,000.00 of this trust fund moneys on deposit at several banks accumulating over $100,000.00 in interests each year.

In preparing the report so far, grass roots Native Hawaiians have been spending moneys from their personal savings and going into debt in the process. The Native Hawaiian Land Trust Task Force and Ho'ala Kanawai, Inc. as sponsors and coordinators of the project believes that financial support should come from the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs trust funds for Native Hawaiians.

If there are any questions, kindly call any of the following coordinators at their respective addresses.

Sincerely yours,

Melvin Hoomanawanui
512 Liliha Place
Honolulu, Hawaii 96817 (Ph 524-1003)

Marie Olsen
89-602 Haleakala Avenue
Waianae, Hawaii 96792 (Ph 668-1738)

Mitsuo Uyehara
1021 University Avenue, Room 2
Honolulu, Hawaii 96826 (Ph 946-4351)

Coordinators, Oahu
Native Hawaiian Land Trust Task Force

cc: Moanikeala Akaka (Hawaii)
Linda Dela Cruz (Hawaii)
Josephine Tanimoto (Hawaii)
Florence Lerback (Hawaii)
Apolonia K. Day (Maui)
Daniel Dancil (Maui)
Wilma Grambusch (Molokai)
Judith Napoleon (Molokai)
Solomon Kahoohalahala (Lanai)
Charles Ah Toong (Lanai)
Colette Machado (Kahoolawe)
La France Kapaka (Kauai)
Wilma Holi (Kauai)

DEPARTMENT OF HAWAIIAN HOME LANDS
GRANTS PROGRAM
P.O. BOX 1879
HONOLULU, HAWAII 96805
TELEPHONE: (808) 548-8785

BUDGET APPLICATION FORM

DETACH AND INCLUDE WITH PROPOSAL NARRATIVE

1. PLEASE COMPLETE THE FOLLOWING INFORMATION

NAME OF APPLICANT ORGANIZATION: Ho'ala Kanawai, Inc. - Native Hawaiian Land Trust Task Force
ADDRESS: 1021 University Avenue, Room 2, Honolulu, Hawaii 96826
TELEPHONE: 946-4351

NAME OF CONTACT PERSON: Mitsuo Uyehara
TELEPHONE: (Home) 946-4351 / (Business) 946-4351

2. PLEASE COMPLETE THE PROJECT BUDGET ON THE INSIDE PAGE. GUIDELINES ARE NOTED BELOW:

A. BUDGET CATEGORIES:

1. Personnel - Enter here the costs of salaries and wages of project staff. If staff time is "donated" it should be noted in the PROJECT IN-KIND section in a column for the participating agency.

2. Fringe - Enter here the total cost of fringe benefits. This must reflect those benefits required by law.* Indicate the percentage used to calculate the fringe benefits.

3. Travel - Enter total costs of travel for employees or participants of the project if travel costs are planned for consultan to this project, these should be entered under the "Contractual category.

4. Equipment - Enter here the cost of those items planned to be purchased which cost over $500. "Donated" use of equipment should be reflected in an appropriate column in the PROJECT-IN-KIND section.

5. Supplies - Enter here the cost of all supplies (paper, pencils, etc.) planned for the project.

6. Contractual - Enter here the cost of consultants, rental, and all those items where a contractual arrangement will be used. For consultants, the general scope of work must be indicated.

7. Other - Enter here the cost for all other items not noted above in the budget. Such items as reproduction costs, insurance, food, mileage, stipends, supportive service costs, etc. should be noted under this category.

B. BUDGET SOURCES:

1. DHHL GRANT REQUEST $ - Enter in this column where appropriate the dollars which will be used by the project from the reques grant. The TOTAL should equal the total grant request from th department.

2. PROJECT IN-KIND - Enter this section all the various services and support which will be donated to the project. Each "donor" agency or organization should have its own column.

PROJECT BUDGET

	DHHL GRANT REQUEST $	PROJECT IN-KIND (SOURCE & AMOUNT)	ADDITIONAL PROJECT $ (SOURCE & AMOUNT)	TOTAL
1. PERSONNEL	0.00	0.00	0.00	0.00
2. FRINGE	0.00	0.00	0.00	0.00
3. TRAVEL				
Washington, D.C.	3,500.00	0.00	3,500.00	7,000.00
Air Fare ($674 r.t.)	1,348.00	0.00	1,348.00	2,696.00
Per diem ($30/day/7 days)	420.00	0.00	420.00	840.00
Ground ($15/day/7 days)	210.00	0.00	210.00	420.00
Housing ($80/day/7 days)	1,120.00	0.00	1,120.00	2,240.00
Food ($20/day/7/days)	280.00	0.00	280.00	560.00
Baggage handling	40.00	0.00	40.00	80.00
Telephone ($5/day/7days)	70.00	0.00	70.00	140.00
Miscellaneous	12.00	0.00	12.00	24.00
Interisland	1,500.00	0.00	15,000.00	16,500.00
Kauai ($90/r.t.)	180.00	0.00	1,800.00	1,980.00
Niihau ($90/r.t.)	180.00	0.00	1,800.00	1,980.00
Molokai ($50/ r.t.)	150.00	0.00	1,500.00	1,650.00
Lanai ($50/r.t.)	100.00	0.00	1,000.00	1,100.00
Maui ($90/rt.)	180.00	0.00	1,800.00	1,980.00
Hawaii ($90/r.t.)	360.00	0.00	3,600.00	3,960.00
Housing	350.00	0.00	3,500.00	3,850.00
4. EQUIPMENT	0.00	0.00	0.00	0.00
5. SUPPLIES	0.00	0.00	0.00	0.00
6. CONTRACTURAL SERVICES	1,800.00	0.00	1,800.00	3,600.00
Typing, editing, and collating reports	1,800.00	0.00	1,800.00	3,600.00

7. OTHER	8,200.00	0.00	52,280.00	60,480.00
Printing (5000+ copies @ $10/copy)	7,000.00	0.00	43,000.00	50,000.00
Video editing	800.00	0.00	4,200.00	5,000.00
Telephone & mailing	200.00	0.00	1,000.00	1,200.00
Grant fee	200.00	0.00	800.00	1,000.00
Recording by film and tape	0.00	0.00	200.00	200.00
Island block grant	0.00	0.00	3,080.00	3,080.00
Kauai	0.00	0.00	350.00	350.00
Niihau	0.00	0.00	275.00	275.00
Oahu	0.00	0.00	500.00	500.00
Molokai	0.00	0.00	350.00	350.00
Maui	0.00	0.00	350.00	350.00
Lanai	0.00	0.00	350.00	350.00
Kahoolawe	0.00	0.00	275.00	275.00
Hawaii	0.00	0.00	880.00	880.00

TOTAL DHHL GRANT REQUEST 15,000.00

TOTAL PROJECT IN-KIND 0.00

TOTAL ADDITIONAL PROJECT $ 72,580.00

TOTAL COST OF PROJECT 87,580.00

THE TOTAL NUMBER OF PERSONS BENEFITING FROM THIS PROJECT IS 50,000.

THE TOTAL NUMBER OF NATIVE HAWAIIANS BENEFITING FROM THIS PROJECT IS 50,000.

HO'ALA KANAWAI, INC.-
NATIVE HAWAIIAN LAND TRUST TASK FORCE

PROGRAM NARRATIVE

A. Program or Need.

Under Public Law 96-565, the United States provides that the Native Hawaiian Study Commission report to the Congress and the President on the "culture, needs and concerns of the Native Hawaiians" defined as "any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778" hereinafter refered to as Title III native Hawaiians.

Conspicuously missing is the report on the "culture, needs and concerns" of the NATIVE HAWAIIAN defined as "a descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778" as defined in Title I of Public Law 96-565, hereinafter refered to as the TITLE I NATIVE HAWAIIANS.

TITLE I NATIVE HAWAIIANS have observed such flagrant oversight and begun to prepare its own report on a statewide level in the exercise of native initiative pursuant to the new federal policy concerning Native Americans. Up to the present, TITLE I NATIVE HAWAIIANS have been using their own personal monies, and in the process going into debt. Since trust funds exists for TITLE I NATIVE HAWAIIANS, Ho'ala Kanawai, Inc. and the Native Hawaiian Land Trust Task Force seeks monies from such funds to assist them financially in the process of submission of the above report.

B. Project Objectives and Activities.

The specific objectives to be accomplished by this project is to prepare and submit a report on the "culture, needs and concerns" of the TITLE I NATIVE HAWAIIAN to the Congress and the President of the United States, as well as to the Governor of the State of Hawaii, the Legislators of said State, the Department of Hawaiian Home Lands, the Secretary of the Interior and other interested parties, and to conduct educational workshops and related activities in TITLE I NATIVE HAWAIIAN communities on all of the islands on said report.

In order to accomplish the above, TITLE I NATIVE HAWAIIANS must be contacted and communications maintained to coordinate the writing of the above report. After the drafts have been written, these must be edited, then printed, and finally submitted to the Congress and the President in Washington, D.C. on June 23, 1983. Thereafter, preparation must be made for the forthcoming hearings on the report.

The contact and communication necessary have been maintained to the present by the holding of statewide coordinators' every two months in Honolulu, and by telephone and mail as well as by face to face contact in the different communities throughout the state.

C. Significance of the Project.

This project is the most important activity engaged in by TITLE I NATIVE HAWAIIANS in its history since time immemorial. Its significance lay in that this is the first report on TITLE I NATIVE HAWAIIANS by grass roots TITLE I NATIVE HAWAIIANS relating to their "culture, needs and concerns."

This report differs signficantly from the Native Hawaiian Study Commission report on the "culture, needs and concerns" of the Title III native Hawaiians as follows:

1. TITLE I NATIVE HAWAIIAN report is by grass roots TITLE I NATIVE HAWAIIANS. Title III native Hawaiian report is by a federal commission about Title III native Hawaiians.

2. TITLE I NATIVE HAWAIIAN report is being paid out of the pockets of grass roots TITLE I NATIVE HAWAIIANS and their supporters. Title III native Hawaiian report is being funded out of federal, and it is strongly suspected by misuse of TITLE I NATIVE HAWAIIAN trust monies and other sources of funds.

3. TITLE I NATIVE HAWAIIAN activities is being censored by state agencies and by the mass media. Title III native Hawaiian activities is being given full support by everyone.

4. This TITLE I NATIVE HAWAIIAN report will be submitted directly to the Congress and the President. The latter report is through a commission.

5. The only beneficiary of this TITLE I NATIVE HAWAIIAN report is TITLE I NATIVE HAWAIIANS. This is their testimony directly to Congress and the President.

6. The issue in this report by TITLE I NATIVE HAWAIIANS is one of survival. In Congress today is State House Resolution No. 388 of the 1981 Legislature which seeks to eliminate TITLE I NATIVE HAWAIIANS as a class, and to incorporate TITLE I NATIVE HAWAIIANS into Title I native Hawaiians. The reality of H.R. No. 388 is accentuated by Act 272 of the 1982 Legislature. Act 272 seeks to destroy TITLE I NATIVE HAWAIIANS through the process of successorship of Hawaiian Homeland lessee leaseholds. Act 272 has been forwarded to Congress for approval. Without the TITLE I NATIVE HAWAIIAN report Congress and the President will in effect be informed that TITLE I NATIVE HAWAIIANS does approve of its dissolution.

D. Monitoring and Evaluation.

This project is based upon honor and trust. The Native Hawaiian Land Trust is monitoring and evaluating the activities throughout the state. Statewide workshops and conferences are held to monitor the activities on the different islands. The reports' accomplishment will be the response to it in Washington, D.C. TITLE I NATIVE HAWAIIANS survival is dependent upon the report. This fact being the standard, the process is being monitored accordinly.

E. Timeframe.

The date of submission of the report is June 23, 1983 in Washington, D.C. at the White House to the President, and at the U.S. Capitol to the House of Representatives and the Senate. Thereaftér, preparations for the hearing on the report will be made. Congress will determine the dates for the hearing.

F. Experience in Project Management.

The Native Hawaiian Land Trust Task Force has extensive experience in statewide project management. It has been conducting statewide workshops on every island from Kauai to Hawaii since its organization on May 30, 1981.

Ho'ala Kanawai, Inc., one of the member organization of the Native Hawaiian Land Trust Task Force, has successfully managed a $7500 grant from the Shalan Foundation in 1982. This project was a joint project of Ho'ala Kanawai, Inc. with the Native Hawaiian Land Trust Task Force on community organization of TITLE I NATIVE HAWAIIANS. This project proposal is a direct result of the prior project. Ho'ala Kanawai, Inc. has held other grant project before.

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Person to Contact: David [illegible]

Telephone Number: [illegible]-3403

Refer Reply to: E:EO:T:R:2-5

Date: 17 SEP 1980

Ho'ala Kanawai, Inc.
(Awakening the Law)
1021 University Avenue, Room 2
Honolulu, HI 96826

Employer Identification Number: 99-0170604
Key District : Los Angeles (94)
Accounting Period Ending : December 31
Form 990 Required : Yes
Foundation Status Classification : 509(a)(1) & 170(b)(1)(A)(vi)

Gentlemen:

We have further considered your application for recognition of exemption under section 501(c)(3) of the Internal Revenue Code of 1954.

In a letter dated April 3, 1980, you were denied recognition of exemption under section 501(c)(3) of the Code because it appeared you were not organized and operated exclusively for charitable purposes since you had not established that the class of persons that you serve, (Native Hawaiians), constitutes a charitable class within the meaning of section 501(c)(3).

Information submitted subsequent to this denial and facts disclosed at a conference held on June 26, 1980, have clarified your activities.

You have established that Native Hawaiians generally constitute a distressed class of people and have been so designated by way of several federal and state programs. In addition, Native Hawaiians are covered by the provisions of the Native American Programs Act of 1974 and the Native American Religious Freedom Act of 1978.

Based upon the information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Ho'ala Kanawai, Inc.

If your sources of support, or your purposes, character, or method of operation change, please let your key district know so that office can consider the effect of the change on your exempt status and foundation status. Also, you should inform your key District Director of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact your key District Directer. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other federal excise taxes. If you have questions about excise, employment, or other federal taxes, contact any Internal Revenue Service Office.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than $10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Ho'ala Kanawai, Inc.

Information submitted indicates that you may engage in legislative activities. Section 501(c)(3) of the Internal Revenue Code provides that no substantial part of a qualified organization's activities may be the carrying on of legisaltive activities except as otherwise provided by section 501(h).

For taxable years beginning after December 31, 1976, section 501(h) provides an alternative test for determining whether a substantial part of an organization's activities is legislative. The new test is available to certain eligible public charities and is based on expenditures.

You must elect in order to be covered by the section 501(h) provisions. The election may be accomplished by filing Form 5768 with the appropriate Internal Revenue Service Center before the conclusion of the first taxable year for which the election is effective.

Non-electing but eligible organizations, and noneligible organizations (such as churches and private foundations) will continue to be subject to the no substantial part of the activities test under section 501(c)(3) in regard to legislative activities.

We are informing your key District Director of this action. Because this letter could help resolve any questions about your exempt status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

This ruling revokes our ruling letter of April 3, 1980.

Sincerely yours,

Peter K. Bros

Peter K. Bros
Chief, Rulings Section 2
Exempt Organizations
Technical Branch

Internal Revenue Service

FRESNO, CA 93888

IN REPLY REFER TO: 89283103
DEC. 19, 1980 LTR 758C 1095
99-0201474

HO ALA KANAWAI INC AWAKENING THE
LAW
1021 UNIVERSITY AVE RM 2
HONOLULU, HI 96826

DEAR TAXPAYER:

YOUR EMPLOYER IDENTIFICATION NUMBER IS 99-0201474

PLEASE KEEP THIS NUMBER IN YOUR PERMANENT RECORDS. YOU SHOULD ENTER YOUR NAME, AND YOUR IDENTIFICATION NUMBER EXACTLY AS SHOWN, ON ALL FEDERAL TAX FORMS THAT REQUIRE ITS USE, AND ON ANY RELATED CORRESPONDENCE OR DOCUMENTS.

IF YOU NEED MORE INFORMATION, PLEASE LET US KNOW.

THANK YOU FOR YOUR COOPERATION.

SINCERELY YOURS,

W R VIDMAR

CHIEF, CORRESPONDENCE SECTION

MEMBERS OF GOVERNING BOARD

HO'ALA KANAWAI, INC. (Awakening the Law)

Josiah L. Hoohuli (President)
Audrey Dutro
Steven Dutro
Velma Lou L. Hoohuli
William A. Hoohuli
Albert W.K. Nahulu
Genevieve A. Nahulu
Betty Ann Rocha
Analika N. Victor

NATIVE HAWAIIAN LAND TRUST TASK FORCE*

Kauai: La France Kapaka
Wilma Holi

Niihau:

Oahu: Melvin Hoomanawanui
Mitsuo Uyehara
Marie Olsen

Molokai: Wilma Likolehua Kamakana Grambusch
Judith Napoleon

Lanai: Solomon K. Kahoohalahala
Charles Ah Toong

Maui: Apolonia K. Day
Daniel Dancil

Kahoolawe: Colette Machado

East Hawaii: Moanikeala Akaka
Laverne Kaheiki (deceased)

West Hawaii: Florence Kahololani Lerback
Josephine Tanimoto

* Governing board members noted as "coordinators".

Territorial Savings and Loan Association
FINANCIAL PLAZA
900 Bishop Street
P.O. Box 1481
Honolulu, Hawaii 96806

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HO'ALA KANAWAI INC                      08      ACCOUNT NUMBER 08-91 0274
1021 UNIVERSITY AVE                      A
HONOLULU        HI            96821
                                                                PAGE   1

                                                  ---STATEMENT PERIOD---
                                                   1/27/83 THRU  2/26/83

                      DESCRIPTION                    AMOUNT    DATE      BALANCE

       BEGINNING BALANCE                                       1/27       839.62
CREDIT OF INTEREST EARNED                              3.75    2/26
                                            BALANCE AS OF      2/26       843.37


BEGINNING BALANCE..........        839.62
+ INTEREST THIS STATEMENT.           3.75
+       0 DEPOSITS/CREDITS.          0.00
-       0 CHECKS/DEBITS....          0.00   ANNUAL INTEREST RATE......      5.2500
- SERVICE CHARGES..........          0.00   YEAR-TO-DATE INTEREST... .        7.48
ENDING BALANCE...........          843.37
                                                                       C  0 C  0
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Territorial Savings and Loan Association

FINANCIAL PLAZA
900 Bishop Street
P.O. Box 1481
Honolulu, Hawaii 96806

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NATIVE HAWAIIAN LAND TRUST TASK FORCE     ACCOUNT NUMBER 02-000272
1321 UNIVERSITY AVENUE
HONOLULU         HI            96826
                                                          PAGE    1

                                             ---STATEMENT PERIOD---
                                              1/27/83 THRU  2/26/83
---------------------------------------------------------------------
              DESCRIPTION                    AMOUNT    DATE    BALANCE
---------------------------------------------------------------------
    BEGINNING BALANCE                                  1/27     145.90
                                      BALANCE AS OF    2/26     145.90




---------------------------------------------------------------------
BEGINNING BALANCE..........      145.90
+ INTEREST THIS STATEMENT.         0.00
+       0 DEPOSITS/CREDITS.        0.00
-       0 CHECKS/DEBITS....        0.00  ANNUAL INTEREST RATE......    5.250%
- SERVICE CHARGES..........        0.00  YEAR-TO-DATE INTEREST.....    0.
= ENDING BALANCE...........      145.90
                                                                 C 1 C
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OFFICE of HAWAIIAN AFFAIRS
Hoʻokuʻikāhi

May 17, 1983

ADMINISTRATOR
T.C. YIM

TRUSTEES

MR. JOSEPH G. KEALOHA, JR.
Chairperson
Trustee from Maui

MR. RODNEY K. BURGESS, III
Vice Chairperson
Trustee-at-Large

MR. HAYDEN BURGESS
Trustee from Oahu

MRS. PIILANI C. DESHA
Trustee from Hawaii

MR. ROCKNE C. FREITAS
Trustee-at-Large

MR. THOMAS K. KAULUKUKUI, SR.
Trustee-at-Large

MR. MOSES K. KEALE, SR.
Trustee from Kauai and Niihau

MR. GARD KEALOHA
Trustee-at-Large

MR. WALTER L. RITTE, JR.
Trustee from Molokai

Ms. Marie Olsen
Mr. Melvin Hoomanawanui
Mr. Mitsuo Uyehara
Native Hawaiian Land Trust Task Force
1021 University Avenue, Room 2
Honolulu, Hawaii 96826

To All Concerned:

With respect to your letter of April 11, 1983 concerning a grant application for the purpose of submitting a report for Public Law 96-565 activities, please be advised of the following:

> The deadline for receipt of comments to the "culture, needs and concerns of the Native Hawaiians" as set forth under P.L. 96-565 has already passed. Although your effort to submit a report is praiseworthy, its effect would be substantially mooted.

OHA, moreover, has not formally established a grant program for large disbursements of the nature requested, although such a program may be forthcoming. At such a time, requests such as yours may be considered.

Me ka 'oiā'i'o,

Joseph G. Kealoha, Jr.

Joseph G. Kealoha, Jr.
Chairman of the Board

JGK:sr

567 So. King St., Suite 100
Honolulu, Hawaii 96813
(808) 548-8960

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

PROJECT OFFICES

WAIMEA OFFICE
P. O. BOX 125
KAMUELA, HAWAII 96743

KEAUKAHA OFFICE
P. O. BOX 833
HILO, HAWAII 96720

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

PROJECT OFFICES

MAUI OFFICE
P. O. BOX 22
KAHULUI, MAUI 96732

MOLOKAI OFFICE
P. O. BOX 198
HOOLEHUA, MOLOKAI 96729

KAUAI OFFICE
P. O. BOX 332
LIHUE, KAUAI 96766

June 17, 1983

Mr. Mitsuo Uyehara
Native Hawaiian Land Trust Task Force
Hoa'ala Kanawai, Inc.
1021 University Avenue, Room 2
Honolulu, Hawaii 96826

Dear Mr. Uyehara:

SUBJECT: TITLE I Native Hawaiian Report on Culture, Needs and Concerns, ID# 83-1-06

At the Hawaiian Homes Commission Meeting on May 26, 1983, your project proposal was not approved for funding.

The initial response from the community for funding was high and, with limited grant funds, many worthy projects were not funded during this cycle.

The grant review process included an evaluation of your project proposal by the Grants Distribution Advisory Committee. These comments are attached for your information

Although your organization's project was not funded, please review the attached comments and seriously consider whether or not the proposal should be resubmitted. The deadline for the next funding cycle is June 30, 1983. If you have any questions, please call Mr. Hardy Spoehr at 548-8785 or 548-8786.

The work which you and others in your organization have undertaken is important to assist our Hawaiian community to begin looking within to solve our own problems. This is a step towards self-sufficiency and one for which you can be proud.

Sincerely yours,

Georgiana K. Padeken
Chairman

GKP:HS:gg

Attachment

PROJECT: Report on Native Hawaiian Concerns

GENERAL COMMENTS: The following items are general comments and questions from members of the Grants Distribution Advisory Committee. The department hopes that these will be helpful in assisting the applicant in revising its project proposal if resubmittal is being considered.

- o This project is a duplication of existing studies;
- o It would seem that DHHL would be paying for the general budget;
- o The financial statement is a bank statement;
- o Where is the additional $72,000 coming from that is indicated in the budget;
- o The budget appears to be "padded";
- o Most of the budget is for travel to lobby, question this?
- o The report as noted is due June 15th. $15,000 for 1/2 month's work is very high (project should be completed by this time);
- o The per diems seem extravagant. ($45 per day) - State $65
  - Federal $

CRITERIA Report on Native Hawaiian's
Needs and Concerns

Attached below are the average scores which your proposal received from initial rankings according to the established criteria for the program. These numbers are averages and may be helpful in revising your proposal if you are planning on resubmiting to the grants program.

RATING SYSTEM:
1 - LOW, WEAK, POOR
2 -
3 - AVERAGE, MINIMUM ACCEPTABLE
4 -
5 - HIGH, STRONG, EXCELLENT

PROBLEM/NEED	TARGET GROUP	PROJECT PLAN	FISCAL MANAGEMEN	ORGANIZATION	LEADERSHIP	WRITTEN PROPOSAL	OVERALL AVERAGE
2.4	3.6	2.2	2.2	2.2	3.2	2.6	2.7

KEANAE - WAILUANUI COMMUNITY ASSOCIATION, INC.
S.R. Box 105 - (Keanae) Haiku, Hawaii, 96708

REPORT ON CULTURE, NEEDS AND CONCERNS FOR THE SOCIAL AND ECONOMIC WELL BEING OF KEANAE - WAILUANUI COMMUNITY

KEANAE - "Inheritance from heaven."

WAILUANUI - "Place of the four gods: Kane, Kanaloa, Lono and Kukailimoku."

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The villages of Keanae and Wailuanui, located on the east of the island of Maui, Hawaii (see Location Map, Exhibit A) is one of the last of the Native Hawaiian places where the ancient customs and ways of life are still adheredd to today. Because of its isolated location, those who have the privilege of visiting, return home with a special place in their hearts for Keanae-Wailuanui. There is a special reason for this — the people, the locality and everything about the place suggest a way of life exemplary of the best of ancient and modern Hawaii.

The name Keanae is poetically "the inheritance from heaven". Like all Hawaiian words, Keanae has multiple meansings. Literally, Keanae means the mullet (fish). According to legend, it refers to the huge mullets caught in the Waialohe pond (hearing waters) of the Keanae Stream. These mullets are supposedly some of the biggest and are totally mid-free. Another literal translation of Keanae, "heavy breathing" refer to the tedious task of carrying soil from the valleys in calabashes or lauhala baskets (Pandanus leaves) to the barren lava peninsula below, also tedious task from farming and pulling taro (staple food), a job which is evidence of the fact that the Native Hawaiians were not a lazy people. Wailuanui, "the largest water source" or "a place of the four major gods" — Kane, the creative spirit; Kanaloa, the god of the sea; Lono, the god of agriculture and all living things and Kukailimoku, the god of war and power.

According to legend, Keanae-Wailuanui were created by the Haleakala (house of the sun) eruptions during the Hana, Maui phase. The land was barren and desolate. Then the four major gods went to work to make the valleys of Keanae and Wailuanui a real paradise. The area between Keanae and Wailuanui still remain the two most beautiful valleys on earth, and as a special added feature, the war god

Kukailimoku protected the area from all wars and battles. Keanae-Wailuanui are rich with legends and stories.

Turning to the archaeological features; Keanae Peninsula and Wailuanui valley were formed during the Hana, Maui series of lava flows, and it took at least eight successive stages. Keanae was formed longer than Wailuanui and extended into a peninsula.

Rainfall is abundant on this side of Maui ranging from 100 to 350 inches per year. It is no surprise that when Claus Spreckels sought a means of bringing irrigation to his sugar plantations in Central Maui, he turned to the area above Keanae-Wailuanui and built a reservoir and water irrigation system. In 1881, the Princess Reagent, Liliuokalani, sent a letter to the Minister of the Interior concerning the reservoir because she was concerned that it would cut off the water supply from Keanae and Wailuanui. She requested that the people would not be deprived of water due to the reservoir. Presently, the water supply once tapped by Clause Spreckels is now owned by the East Irrigation Company. This water source carries the precious quantity down to the Central Plains of Maui which would otherwise be quite unproductive. Irrigation practices are still carried on in Keanae and Wailuanui today. The original settlers of Native Hawaiians built a wooden flume from the hollowed out canoes that brought water down onto the peninsula of Keanae. Previously, all the taro patches were located above the peninsula because the streams flowed along the high cliffs and then cut channels down under the level of the Peninsula. Today water is still obtained from the cliffs above the peninsula but the wooden flume has been replaced by steel and concrete flume of which it is in need of repair because of flood destruction. Water ditches built by our first people into the valley of Wailuanui for cultivating and harvesting taro are still in use and maintained today.

The shores along Keanae peninsula and Wailuanui valley are always hit by high seas and the prevailing tradewinds while the valleys includes lush tropical growth, plenty of rain, etc. Because Keanae-Wailuanui is exposed to these elements in different areas, the Natives used to divide their lives between the shore and the valleys. Thus the Native Hawaiians living in Keanae-Wailuanui built their grass huts near the shore where it was drier and where less rainfall meant less damage to clothing and shelter. However, they farmed only in areas near the walleys where the soil was rich and rain was plentiful. For this reason, all people of Keanae-Wailuanui usually commuted from the shore to the valleys and back again in a normal way of life. Whereas the seashores provided shell-fish, fishes, limu (seaweeds) etc.; the forest provided areas for agricultural endeavors as well as plentiful other resources.

The residents with proofs, claimed that Keanae-Wailuanui were royal land reserved for the "Na Alii Nui" (Highest Chiefs). During the Great Mahele (division, the Ahupuaa, ancient land division from tip of mountain to the sea) of Keanae-Wailuanui was claimed by King Kamehameha III as Crown Land. As part of the Royal district of Hana, Maui; Keanae-Wailuanui were prized for their lush agricultural lands. Because Kukailimoku, the war god protected Keanae-Wailuanui, they were never destroyed or even involved in any battle. The high chiefs had other reasons for keeping Keanae-Wailuanui out of battle, but the main reason was that the area always provided an abundance of food and resources for them, their courts and their people. Keanae-Wailuanui supported one of the largest population in ancient times. remnants remain, reminds people of Keanae-Wailuanui's large population and at present there about two-hundred descendants of the original ancestors besides about fifty new settlers (outsiders).

The remains of the many heiau (religious temples) and Kuula (open religious alters near the sea shores for fishermen) do indicate that the area was primarily agricultural and fishing. Ruins which have been uncovered are in bad shapes, usually totally or partially destroyed as a consequence of the rapid pace at which revegetation occurs in the area and also due to the fact that the East Maui Irrigation Company has allowed their cattle to overrun the area adding to the destruction.

The advent of the whitemen, we find Captain Cook and the ships the "Resolution and Discovery" off the coast of Keanae and Wailuanui on his second voyage to Hawaii. There he traded with the islanders and found that they had abundant resources on which to draw for trade, etc.:

> "Thursday Morning, Nover 26th. We discovered land having been just a Month from Samgoonoodha. This proved to be a large

> Island which we had not seen before called by the Natives Mowee; and 8 and ten o'clock we were close in with it .... Seeing no Harbor on this part of the Island, the Ships lay to all day about 3 miles off Shore, trading with the Natives who came off in their Canoes in great Numbers with a few Hogs Fowls, Plantains, Breadfruit, Sweet Potatoes, Taroo Roots and Sugar Canes which they sold to us for Toies and small nails." Journal of Capt. James Cook, The Voyage of the Resolution and Discovery, 1776-1778, Part 2, New York, Cambridge University Press, 1964

The next official mention of Keanae-Wailuanui is recorded by George Bowser in the City Directory for 1880-1881. Surprisingly, Mr. Bowser must have been one of the first tour agents as is suggested by his statement: "All this part of East Maui is just the country to delight the tourist." He preceded this statement with the following:

> "My next halting place was the little hamlet of Keanae-Wailuanui. There are here only a few Kanaka (meaning Native Hawaiian) huts and some patches of taro cultivation, but it is just the spot for the growth of the sugar cane, and has the benefit of a very good landing, at which the steamer "Mokoili" calls about once a month. Mr. J. C. Garrett has a sugar plantation here, which was a delight to the eys as a contrast to the forest scenery I had been passing through. There are something like 2,000 acres here, all virgin land, capable of being turned to account for the cultivation of the sugar cane. The condition of the road still remained the same as that which we had by this time grown accustomed, and we went floundering and creeping along at anything but a lively pace."

According to oral facts from the elders of Keanae-Wailuanui, the growth of sugar cane was never in the Ahupuaa of Keanae-Wailuanui. The population had evidently declined drastically during the period between the two visits, whereas Captain Cook traded with many canoes and people, Mr. Bowser notes that there are only a few Hawaiians around the place. Also there existed in 1880 a landing for steamers and other interisland vessels; this was not so at the time of Cook's visit as they found no suitable harbor and therefore had to anchor offshore. The taro crops planted and noted in both accounts were similar and it is safe to assume from all evidence that Keanae-Wailuanui remained an agricultural center over the years.

During the Great Mahele, the problem of land tenure have plagued Keanae and Wailuanui. Only in 1895 was a serious effort made to enable the residents to reside on the lands they occupy lawfully. In 1895 a general revision of homestead laws enacted by the kingdom was made. Provisions were made for people who could not purchase land to lease such lands for a term of 999 years. The people of Keanae and Wailuanui responded by assuming such leases in 1906-1907. In 1951, the 999 year leases were abolished and converted into freehold lands.

Under the 1895 homestead law, there still remain about 27 houselots in Keanae and Wailuanui. The occupation of such houselots under long-term leases or purchase would complete the villages as planned and presently incorporated in the General Community Plan for these communities. The people to occupy such houselots exist in the communities. They are young adults with families of rooted tenants and also young single adults residing with their parents and close relatives in intolerably crowded conditions. This problem have been worked on for more than a decade and it still remains elusive because of land tenure and financing problems.

We, the people of Keanae-Wailuanui Community Association, Inc. have had many meetings for over a decade to which resource persons have been invited to answer questions of vital concern to members of the communities. The final product has been the development of a Community General Plan, one of the first in the State, and its adoption by the people of Keanae-Wailuanui, and then its incorporation into the County of Maui General Plan; then the bringing together all available resources to implement the Plans. The Community General Plan is attached as Exhibit B.

The long-range goals of Keanae and Wailuanui is to make the villages a truely Native Hawaiian economically sufficient, culturally based community. These two villages are today the survivors of more than 5,000 villages situated within the independent land divisions in the Hawaiian Archipelago known as ahupuaa and ili kupono (ancient land division) based upon wet land taro culture which underpinned the Hawaiian civilization. These two villages are at their lowest ebb in maintenance of their fields since time immemorial. In contrast, other villages have vanished, leaving but memories of the past.

The people of Keanae and Wailuanui expressed in their Community General Plan their intension to remain a rural agricultural community based upon cultivation of taro with the addition of other sources of employment to develop an infrastructure which combines the expertise of the older farmers with new tools and technological development, including rational knowledge based upon market analysis to meet the evolving market requirements and labor force. In short, to develop the state of the art in taro production which underpinned the Hawaiian civilization and the economy of Keanae and Wailuanui since time immemorial and to continue to underpin the existence of the villages.

We have sought funds from the U.S. Administration for Native Americans to "invest" in tools to enable the people of the villages to develop their resources. The "tools" are the machinery to open up and cultivate their fields with the requisite backup facilities to maintain such machinery. The long-range goals of this grant proposal would enable Keanae and Wailuanui to develop the natural and human resources within the land divisions of the villages reserved to members of the communities as it has been since time immemorial as set forth in our General Plan to attain social and economic self sufficiency.

The long-range situs for the project is the maintenance and service facility which will be used to service the Hana Highway to achieve maximum use of said facility. Historically, the site is known as the "site for Laborer's Camp and Stable, in connection with the construction of the Kailua-Hana Belt Road," under the control of the County of Maui. In accordance to the Community General Plan the site will be used for the purpose to continue to service the Hana Highway and the community in which it is situated. Some 600 vehicles a day passes Keanae-Wailuanui with about 400,000 persons per annum. Most of the drivers and passengers are tourists who have come to see the most scenic vista on the island of Maui. Keanae-Wailuanui are situated strategically between the port of entry of Wailuku-Kahului and the population center of Hana in East Maui. The servicing of travellers and vehicles at Keanae-Wailuanui provide enormous potential for new employment and income, especially as an adjunct to the cultural center and thereby enable full utilization of the human and natural resources of Keanae-Wailuanui, and still retain the traditional lifestyle of the villages.

In the course of many generations, Keanae-Wailuanui have grappled with the lack of a community and cultural center. The existing facilities of the Catholic and Protestant Churches, nor the public school have been able to fully accomodate the needs of the community because of the inherent limitations emanating from the purposes for which each of these facilities were built — to accomodate the primary needs of church members and the teaching of school children.

The income from the facility to service the Hana Highway is planned to provide the income to minimize the payment of service fees by members of the community in use of the facility and the tools of the economic and social development program to multiply the effect of the cash investment by the U.S. Administration for Native Americans. In accordance to the Community General Plan; the sites in question is in fact an Admission Act Section 5(f) trust land parcel subject to a trust encumbrance to provide for the betterment of the conditions of Native Hawaiians.

Resources available to the project is great. In order to solve the problems and to address the needs, the people of Keanae and Wailuanui have worked with all levels of government and relevant members of private industry. In developing the General Plan for the community many resource persons and organizations and agencies have been contacted and have participated in the process culminating in the County General Plan for Keanae and Wailuanui.

The only relevant resource Keanae and Wailuanui lacks is investment capital. However, the people of Keanae and Wailuanui does not wish to have any investment capital. The people are aware of "outsiders" who have moved into the Hana area as elsewhere and poured money into the communities, and with resulting displacement of the original residents.

The lack of investment capital is based upon the cultural fact that wetland taro culture is historically an individual family based subsistence farming with very small surplus for accumulation of savings. Conceptually, this fact is examplified in the well known statement that man exist on the land as custodian of the land for the gods.

The support and goodwill which exists in the broader community was demonstrated two years ago when the irrigation channel to the taro fields was finally cleaned after three generations of neglect. Majority of the young men and women left the villages temporarily to continue their education or to seek out jobs for survival; only the elders and a handful of middle-aged adults remained to maintain a very small portion of the high expansion of the irrigation channel. Weeds and trees took over the irrigation channels and taro fields. Labor to clean the irrigation channels came from volunteers from the general community outside Keanae and Wailuanui.

Keanae and Wailuanui are special communities. This is the only area in the State of Hawaii which have been and are still uniquely Native Hawaiian with a predominance of their inhabitants being of half and pure blood quantum Hawaiian, and the economic base having been and still is dependent upon wetland taro culture which underpinned the Hawaiian civilization. The Hawaiian word for law, "Kanawai" has its root in the regulation of water to sustain wetland taro culture. As the economic base of Hawaii shifted from taro production to sugar, pineapple and other crops, so did the stability of the Native Hawaiian communities. Today, only these two villages remain virtually unchanged in their singular reliance upon wetland taro culture, and maintain and practiced by the same group of families.

Implicit with the ability of Keanae and Wailuanui to have survived changed which swept through Hawaii has been the deep faith of its residents in the future viability of the villages and its identity. This faith is expressed in the first innovative approach to impliment the concept of political subdivisions smaller than a county government provided in the State Constitution at Sections 1 and 2 of Article VII. In no small degree, this project revives the concept of local villages within historic land divisions which underpinned the Hawaiian civilization and thereby to strengthen and to underpin the Hawaiian civilization and today to strenghten the social and cultural viability of Keanae and Wailuanui. The Keanae-Wailuanui Community General Plan is in effect a village government charter, the first in the State of Hawaii.

The special circumstances underlying the community's urgent necessity to undertake the project is the 40% under-unemployment rate for Keanae and Wailuanui, the highest in the State of Hawaii. This compares with the State's unemployment rate of 6.5% and of the Hawaiian community rate of 11.6% in 1975 as reported by the State Department of Health census update survey. The rate for December, 1982 for the State was 6.3%, the lowest in the nation.

In undertaking to alleviate the highest under and unemployment rate in the State, the Keanae-Wailuanui Community Association has also undertaken the lead to achieve the state of the art in taro culture, and also to expand the economic base, and thereby:

First, Bring together Hawaii's expertise in taro culture in government, university and industry.

Second, Train and develop a new generation of taro farmers.

Third, Establish grading and quality control of taro as an agricultural commodity and the infrastructure to maintain it.

Fourth, Utilize requisite machinery in wetland taro culture to increase productivity.

Fifth, Introduce new cash crops to diversify the economic base.

Sixth, Introduce service oriented job opportunities and cottage industry to further diversify the economic base.

Seventh, Commence the organizing of a taro market study to complement the present "Taro Industry Analysis", and as the information becomes available incorporate the data into solidifying the economic base of the community.

Eight, Develop an integrated community development program which will be a model consistent with cultural heritage and the inherent requirements of economic viability to underpin the social, cultural and spiritual sufficiency of any community, and in conformance to the County of Maui Community General Plan for Keanae and Wailuanui.

The special geographical setting which make possible the above is that Keanae and Wailuanui is isolated and remote, but strategically situated halfway between the county seat and port of entry of Wailuku-Kahului, and the eastern urban center of Hana. Although the distance is but 56 miles between Kahului and Hana, the narrow winding Hana Highway with one car bridges easily tires any person. Much needed improvement have been undertaken to widen and eliminate the bad curves of the highway for the safety of the travellers. Keanae and Wailuanui have always been the rest stop between Kahului and Hana. The existence of the stable site which is now the Proposed Maintenance and Service Facility Site identified in Exhibit A, the Location Map, underscores the logical use of such site as the new cultural and service center for the Hana Highway of which the villages of Keanae and Wailuanui are an integral part.

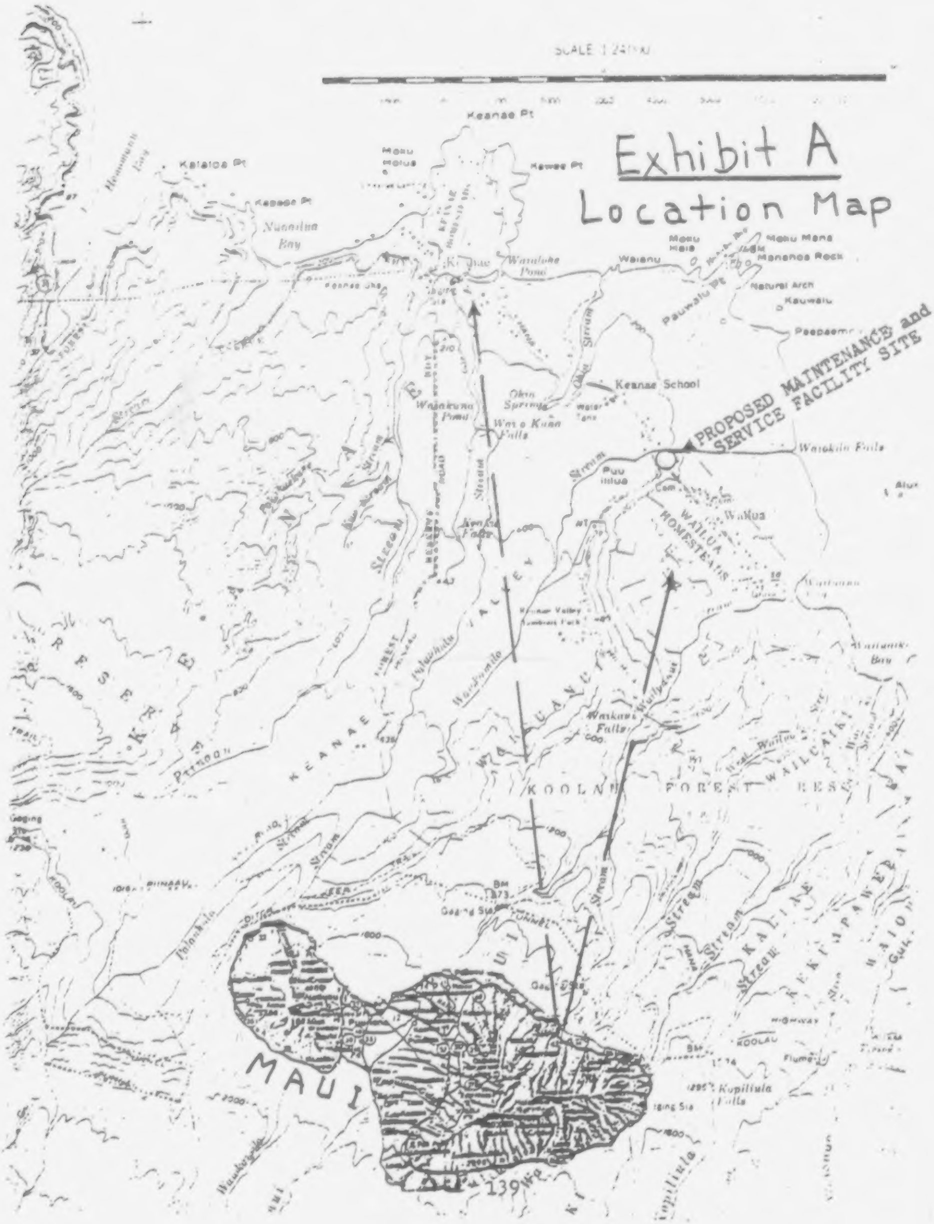
SCALE 1:24000
Keanae Pt
Kalaloa Pt
Kapaoo Pt
Honomanu Bay
Nuuailua Bay
Moku Moius
Kawee Pt
Keanae
Waiaohe Pond
Waianu
Moku Mana
Mananoa Rock
Natural Arch
Kauwalu
Paepaemo
Pauwalu Pt
Keanae School
Ohia Springs
PROPOSED MAINTENANCE and SERVICE FACILITY SITE
Waiokilo Falls
Puu Iliua
Wailua
WAILUA HOMESTEADS
Keanae Valley
KOOLAU FOREST RESERVE
Waikani Falls
Wailua Bay
WAILUAIKI
Kopiliula Falls
MAUI

Exhibit A

Location Map

KEANAE-WAILUANUI COMMUNITY ASSOCIATION, INC.
SR BOX 70 - HAIKU, HAWAII 96708

Exhibit B

We, the community is exercising its self determination to provide for its self sufficiency as a social economic group. We consider the East Coast of Maui to be special and unique.

COMMUNITY GENERAL PLAN
(Revised 06/14/83)

LAND

A. MINI SHOPPING CENTER:

Storage drums for gas, General store (include snack bar and gift shop and Cultural Center: Building sites on parcels 19 and 21, tax map key: zone-1 sec-1 plat-04, County E.O. 235 and also to modify E.O. to include parcels 16, 17 and 18. Keanae-Wailuanui Community Non-profit Association control for employment of tenants. A communication center between Central Maui and Hana.

B. MEDICAL CLINIC, FIRE DEPARTMENT, POLICE STATION:

Communication Center is very important to the community. A Sub-center of Hana with community cooperation on volunteer bases.

C. HOUSE LOTS:

For children with family of rooted tenants now in need of house lots. State control of parcels in Wailuanui Valley and Keanae peninsula once known as Government Hawaiian Home lease for 999 years; not in existance today. All parcels of open house lots and those on revocable lease for pasture use are the community interest of concern. VILLAGE GOVERNMENT: (Implement of local government-section of the State Constitution-Art. 7, Sec. 1. Community control of residential home design are limited to single story. This also include ownership of house lots.

D. **PASTURE USE:**

Long term lease on State parcels still in existence to NON-TENANTS. Until contract expires, our interest is to have community control of land use for tenants resource. TENANTS with State contract of long lease terms will be secured to leasees on the permanent bases under community control. Tenants whose long lease term were expired and at present are on the revocable lease will also be secured to leasees on permanent bases under community control.

E. **TARO FARMING:**

Liveli-hood of tenants with community control of State cultivation parcels within Keanae peninsula and Wailuanui village. Tenants with long and revocable leases will be secured to leasees on permanent bases under community control. Also into ancient tradition of taro cultivation in the Koolau gap. State control areas of Kupau and Piinaau. Taro cultivation on these parcels are rights of tenants; Community control.

F. **KEANAE ELEMENTARY SCHOOL:**

Community control for the security of our children from K - 8 grades and Handicaps. Busing High school students to Hana school now in existence; community control.

G. **KEANAE YMCA CAMP:**

Community control within Keanae-Wailuanui site.

H. **KEANAE-WAILUANUI COMMUNITY PARK:**

Community control for out-door activities with pavillion and restrooms. Park is situated on Keanae peninsula, State parcel under County E.O.

I. **BURIAL GROUND:**

Community control for its use. Ground situated in Wailuanui valley. County E.O. 787.

J. HUNTING CLUB:

Access to mountain areas of Hana district with permits and keys to locked gates in agreeance with East Maui Irrigation Co. Rights of tenants for resources. Members of the Community Hunting Club will have control over squatters.

K. SQUATTERS ON GOVERNMENT AND OWNERSHIP LANDS:

Protect and secure areas from squatters on Government lands and lands of ownership for adverse possession. Community control.

2. WATER

A. DOMESTIC WATER SUPPLY:

Supply for the community can still be tapped on the original site of Waikani stream through a spring hole for pure drinking water. Parcels of corroded pipes still in existence that need attention.

> An oral phase of wise saying from our Kupuna of the old: "DESTROY THE FOREST AND MANKIND WILL BE WITHOUT WATER: Its here on Maui the wise saying is true. The destruction of the forest on the slopes of Olinda, Makawao, Kula and Ulupalakua are of human beings doing. The East Coast of Maui carry a heavy burden of water supply to areas mentioned above besides the sugar cane fields. Drying all streams possible, leaving our people to poverty stricken, an agriculture area, main source of survival.

B. AGRICULTURE USE AND EDIBLE SPECIES:

Protect and secure main source of water to ocean from Waiokamilo, Ohia and Palahulu springs strictly for agriculture use and edible species. Taro and watercress needs steady flow of spring water according to traditional culture resources. Also the only living streams within the villages flowing directly to the ocean for edible species; shrimps, fresh water shells and trouts; the tradition liveli-hood of the community. Another stream flow, the Waikani stream will be protected and secured for domestic and agriculture uses.

3. COASTAL AND OCEAN BOUNDARY:

A. COASTAL AREA:

Protect and secure open areas within the Ahupuaa of Keanae-Wailuanui from litters. The County once had trash cans placed on the coast of the Keanae peninsula. For some reason or other, cans are not in sight. We, the community would like to have the trash cans be placed back in their proper places. Community control.

B. OCEAN BOUNDARY:

Protect and secure all right of ways to coast and to the ocean. Rights of tenants according to the Konohiki of the ocean within all Ahupuaa. Resources for tenants.

PAUKUKALO HAWAIIAN HOMES COMMUNITY
P.C. Box 906
Wailuku, Maui, Hawaii 96793

NATIVE HAWAIIAN COMMUNITY REPORT

April 30, 1983

NATIVE HAWAIIAN COMMUNITY REPORT April 30, 1983

COMMUNITY: Paukukalo Hawaiian Homes Community
P.O. Box 906
Wailuku, Maui, Hawaii 96793

HISTORY: This Hawaiian Community began through the needs of the Native Hawaiians as defined in the Hawaiian Homes Commission Act, and Public Law 96-565, Title I. The needs was residence houselots for the people on the island of Maui, Hawaii. Through the process of a "land exchange" by the Department of Hawaiian Homes Lands and the Department of Land and Natural Resources, sixtyone (61) acres was made available for this community. It began on January 1962 for the land and the site improvements in September. In the middle of 1963, fiftytwo (52) residential houselots was completed and award in 1964. What a momentous occassion it was for the beneficiaries on the island of Maui.

The Hawaiians were blessed with another seven (7) houselots through the Hawaii State Governor's Home Fair Program in 1970. Through that exhibition of homes on the land, the disposition went to the beneficiaries consisting of seven more residential houselots.

Improvements for thrity (30) more homes started on October 1971 and completed in 1973 and awarded to the beneficiaries on March 1974.

January 1982, the clearing and preparing of the land for another fortynine (49) got underway and as of the above date, no homes have been built on these houselots due to lack of funds. There is another phase on this project calling for an additional fortyfour (44) homes.

The name "Paukukalo" means a lump of taro, or a taro piece. This area was known as "the Battle of the Sand Hills" as written in the book "Mowie" by Cummins Speakman Jr. This was due to one of the most fierces battle in this area.

This place "Paukukalo" was a Hawaiian village filled with taro patches. And as the Chinese laborers arrived, rice paddies came into existence. This area is noted as a fishing and taro planting village with its wonderful surfing spots.

Paukukalo Community is situated between two ridges with the beautiful mountains to the North and the sparkling ocean to the South. On the Eastern ridge lies an historical Native Hawaiian Ceremonial Temple known or called a "Heiau." The name of this heiau is Pihana. It is 300 feet in lenght, 120 feet in width and 15 feet in height. It is said that this huge temple was built by the Hawaiian Elves known as Menehunes in one night, while others claim it was built under the instructions of Maui's Chief Kahekili.

Prior to becoming a Native Hawaiian Community in 1962, this area was under the Hawaii State National and was used for its purposes.

A NATIVE HAWAIIAN COMMUNITY REPORT (continued)

CULTURE: Our culture seem to originate from a spiritual source. It envelopes the land, seas and skies.

Fishing, hunting, planting continues in our daily lives with singing and dancing expressing our traditions and customs.

Today, customs and traditions of other nations have become a part of our lives.

NEEDS: As a people, we have many needs as others do. As beneficiaries under law since 1920, we feel the implementation of the law would have made a tremendous difference on our present conditions and life-styles.

Following is some of the needs concerning our community now:

1. Funds to plan and implement programs and projects and to assist the peoples of this community and surrounding areas;
2. Employment opportunities geared to our peoples abilities and skills;
3. Educational aids for the peoples on their levels leading to growth, and
4. Housing requirements to be eased and in accordance to their financial conditions and status.

CONCERNS: The concerns of our community is unselfishness. We ask that as "beneficiaries," allow us the privilege of telling and asking our "trustees" what we want; why we want them; how to do them; etc.. Just come and let us do the talking for a change. Primarily, we are truly concerned about the future as a people; what part do we fill in our nation's and world's plans? All we ask for is justice.

SUBMITTED FOR THE PAUKUKALO HAWAIIAN HOMES COMMUNITY ASSOCIATION
by
Clarence K. Kamai, President.

A REPORT TO
THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES

Compiled by
HO'ALA KANAWAI (CENTRAL MAUI REGIONAL)
1983

Officers:

Daniel Dancil
Jared Aiwohi
Terry "Hoku" Kamai
Ilima Wood

The Native Hawaiian Land Trust Task Force serves to have an input from the native Hawaiian Community HRS 10-2(5) and Public Law 96-565 Title I, concerning the Hawaiian Homes Commission Act and the Hawaii Admission Act.

This report describes a brief history on the "Kula Development Plan" that the Department of Hawaiian Homes have on their planning board.

Maui has approximately 31,173 acres of Hawaiian Homestead lands. Twelve in Waiehu, sixty-one acres at Paukukalo, six thousand, one hundred acres up in Kula, and twenty-five thousand acres around the Kahikinui area which includes eight-thousand acres in conservation.

We here on Maui have realized less than sixty-one acres of Homestead lands being homesteaded by the native Hawaiians.

During the past year, 1982-83, we native Hawaiians were presented with a developing proposal for the Kula area of Maui, which consists of sixty-one hundred acres.

Maui has long been considered an island rich in agricultural developments. It is said that Maui alone can support the state in food and produce. Kula was designated the prime agricultural lands for diversified farming. We have seen this area come out ahead in produce and floral crops through the years. It is not surprising to note that the young native Hawaiians would like to see the Kula Homestead land opened up for agricultural purposes.

The following pages show events that pertain to the development of the Kula Homestead lands.

During the years of 1980-81 Maui County was preparing for the General Plan of the county. The county set up "Citizens Advisory Committees" in all districts to record and document the needs and concerns from the citizens of that particular area. The county's General Plan land use policy reflects the concerns of the native Hawaiians as noted in Exhibit "A". In the "Makawao-Pukalani-Kula" Community Plan the concensus was for "retaining the 'Up-country' lifestyle" and keeping the social qualities of its small agricultural villages. Urban development would be concentrated around the Makawao-Pukalani areas, with Kula being designated for agricultural purposes. During these committee meetings the subject that was addressed closely was the problem of sufficient water supply. Recommendations were made to have a separate domestic and irrigation system and to develop catchment reservoirs at higher elevations for agricultural lands. This is shown on Exhibit "B".

It was also noted on the planning map that the Hawaiian Homes land in Kula was not shown. The native Hawaiians asked for the area to be shown so that the planning committee would realize and also include this area in the process of planning. After a few meetings of presenting our motion the committee complied as shown on Exhibit "C".

The first meeting of the Kula Development plan by the Department of Hawaiian Homes was held on April 8, 1982, a tape was made of this meeting and transcribed here on Exhibit "D". Here the people wanted the whole area to be developed instead of the proposed two hundred acres. At this meeting the majority of the people mostly between the ages of 20 and 35 wanted agriculture and pastoral lands. (Note Exhibit "D".)

At the second meeting which was held August 8, 1982, the group was presented with maps that showed three areas to be developed and it showed a road that would connect Keokea to Kihei. At the meeting the question about agricultural lots was a chief concern. Also, the issue of water distribution caused alarm. There was a proposal to take water from the Kihei line, which would have to be pumped up to the Kula lands.

This would cost the commission approximately five million dollars. The people there showed dissension toward this proposal. Another proposal was to draw water from the Keokea pipeline which showed an accepted amount of approximately seven hundred thousand dollars. (Note Exhibit "E".)

October 19, 1982, the third meeting was held. Water availability again was of concern. The meeting revolved around drawing water from the lower and upper pipelines. Interest was shown when it was noted that there is agricultural water and the county's water treatment plant will serve the Kula pipeline area first. The availability of water from the Kihei area was also mentioned. (Note Exhibit "E".)

Exhibit "F" - Public statement.

Exhibit "G" - News clippings.

The third meeting was the final meeting, according to the budget, but it was mentioned that a fourth meeting could be scheduled if it was the concensus of the people. They replied in the affirmative.

The aina is waiting. It longs for the tender hands to touch it, nurture it, and bring it to full blossom.

PREFACE

The County of Maui has gained in recent years a wide reputation for its economic vigor and its strong sense of community pride. The County is proud of its record of providing for the common welfare of its residents, as well as of its success in stimulating individual enterprise. A proud and vigorous community, however, like all others, must remain alert to changing conditions and circumstances. If its well-being is to continue, it must take steps to plan its future.

Planning within the County is based on the premise that all of the resources available, its land, the surrounding sea, are precious. Our people, whether young or old, active or retired, long-established or recently arrived, able-bodied or handicapped are considered to be an important part of our resources. A second premise is that the resources of the County are limited. One of the major functions of planning, then, is to protect the limited precious resources of the County and to guard them against forces and influences, both internal and external, which in time may diminish their importance and value.

The residents of Maui County regard their land and the surrounding sea as precious aina, as natural resources invested with love. Residents of the County who have long worked the land and made it productive enjoy a unique and intimate relationship with the aina, and they realize fully and accept the powerful attraction that the aina has for visitors and new residents. People new to the County have no doubt contributed significantly to the vigor of the community but they have not always been quick to learn and accept the community's traditional concept of aina. It seems necessary, therefore, in preparing for the future and maintaining the well-being of the community, that steps be taken to preserve this concept. What is more, it is a concept that long-time residents are anxious to share with visitors and new residents. For in many tangible and intangible ways, it is the key to preserving the quality of life throughout the County.

While living and working in Maui County has provided a unique and satisfying experience for many residents, there is no assurance that the conditions and circumstances with which long-time residents have become familiar will continue indefinitely into the future. Nor is there good reason to preserve every facet of an earlier lifestyle. This plan, it should be made clear, recognizes the need for improvement, growth, and change; for social evolution; and for the harmonious integration of all segments of the community.

In order to improve the lifestyle of residents of the County, every effort must be made to bring about greater individual ownership of land and housing. The legal and persuasive powers of government should be directed to this goal. Equally important is the need to protect all productive agricultural land and to preserve the agricultural base of the County's economy. As a consequence, resort development and other industrial and commercial uses must be regarded as having secondary importance. This said, it should be stated that this plan is not meant to establish a rigid hierarchy of land use, rather, it is intended to help bring about a dynamic balance among the various sectors of the economy.

The General Plan consists of two parts: (1) a set of objectives expressing the common wishes and aspirations of County residents and (2) policies which will have to be carried out in order to attain each objective. Together the objectives and policies of this plan provide a framework for the specific decisions which the County will be required to make in the future.

Exhibit A

OBJECTIVES AND POLICIES

I. POPULATION, LAND USE, AND THE ENVIRONMENT

A. POPULATION

OBJECTIVE:

1. To plan the growth of resident and visitor populations so as to avoid social, economic and environmental disruptions.

POLICIES:

1. Ensure the stability of population growth so that the County's economic growth will be stable and the expansion of public and private support systems will not be overly burdensome on our natural resources.
2. Limit growth by in-migration to correspond with the County's economic needs and the availability of employment and housing.
3. Maintain a balance between resident and visitor population and between visitor facilities and residents' housing.
4. Provide for population density and distribution patterns which are in balance with our social and economic environment.
5. Seek to perpetuate the unique lifestyles of our people.
6. Participate in and support State and Federal programs which complement our growth policies.
7. Publicize an understanding of the limits of the County's capacity to support population needs and growth.
8. Provide programs which help our people to insure the stability of the family unit.
9. Propagate a spirit of aloha between residents and visitors.

B. LAND USE

OBJECTIVE:

1. To use the land within the County for the social and economic betterment of the County's residents.

POLICIES:

1. Guide land use development patterns so that they sympathize with natural topographic features, eliminate as much as possible environmental hazards and enhance scenic amenities, without depleting natural resources.
2. Encourage the "most reasonable and beneficial use" of land by discouraging practices that promote the "highest and best use" concept of land use.
3. Encourage land use methods that will help provide a variety of housing styles and locations.
4. Encourage programs to stabilize land and housing prices.
5. Ensure the effective protection and prudent use of our coastal areas.
6. Require the use of government beach lands as open space, parks, and picnic areas.
7. Require developers of coastal lands to provide both convenient access to beaches and convenient public parking.
8. Encourage the Hawaiian Homes Commission to develop existing homestead lands throughout the County of Maui for agriculture and housing.

OBJECTIVE:

2. To make available to our people lands that are well-suited for agricultural pursuits.

I. PURPOSE OF THE PLAN

The Makawao-Pukalani-Kula Community Plan is mandated by the Maui County General Plan adopted June 24, 1980 as Ordinance No. 1052. This plan's purpose is to establish a program for implementing the county General Plan within the Makawao-Pukalani-Kula region of Maui. The County General Plan sets forth the Broad Policies and Objectives for long-range development.

The Community Plan will provide the County a decision-making tool which will serve until the year 2000. Updates are to occur every five years to incorporate new data, analyses and events. The plan elements are organized according to the objectives and policies outlined in the General Plan and contain summary discussions and recommendations. Background information on each plan element is found in the Technical Report.

II. PLANNING AREA DESCRIPTION & LOCATION

The Makawao-Pukalani-Kula region is located on the western slopes of Haleakala and includes portions of the Haleakala Highway National Park. It is the only County Planning region without any shoreline resources.

The boundries of the Makawao-Pukalani-Kula region are Waiakoa Road to Lowrie Ditch to Kailua Gulch on the west; Haleakala Highway to Haliimaile Road, including Haliimaile, to Hahakapao Gulch on the north; then generally following the Haleakala National Park boundary to Kaupo Trial on the west, then along the Kahikinui Forest Reserve boundary to Kapuni Gulch, then along Piilani Highway to Kula Highway to a jeep trial in the Kamaole Ahupua'a on the south.

Population is concentrated in two main settlement areas; Makawao and Pukalani are a mixture of suburban and rural land uses. The Kula area is characterized by a mixture of rural and agricultural uses. The region has become famous for the quality of vegetables and flowers exported to Hawaiian and international markets.

The region is referred to as "Up-Country", reflecting first its location and elevation on Haleakala and secondly the social qualities of its small agricultural villages. These are close-knit communities with values placed on open space and rural characteristics. This value is to be preserved even as certain areas are changing to a more suburan form of settlement.

Reference is made to Figure 1 which depicts the location of the Makawao-Pukalani-Kula planning region.

Exhibit B

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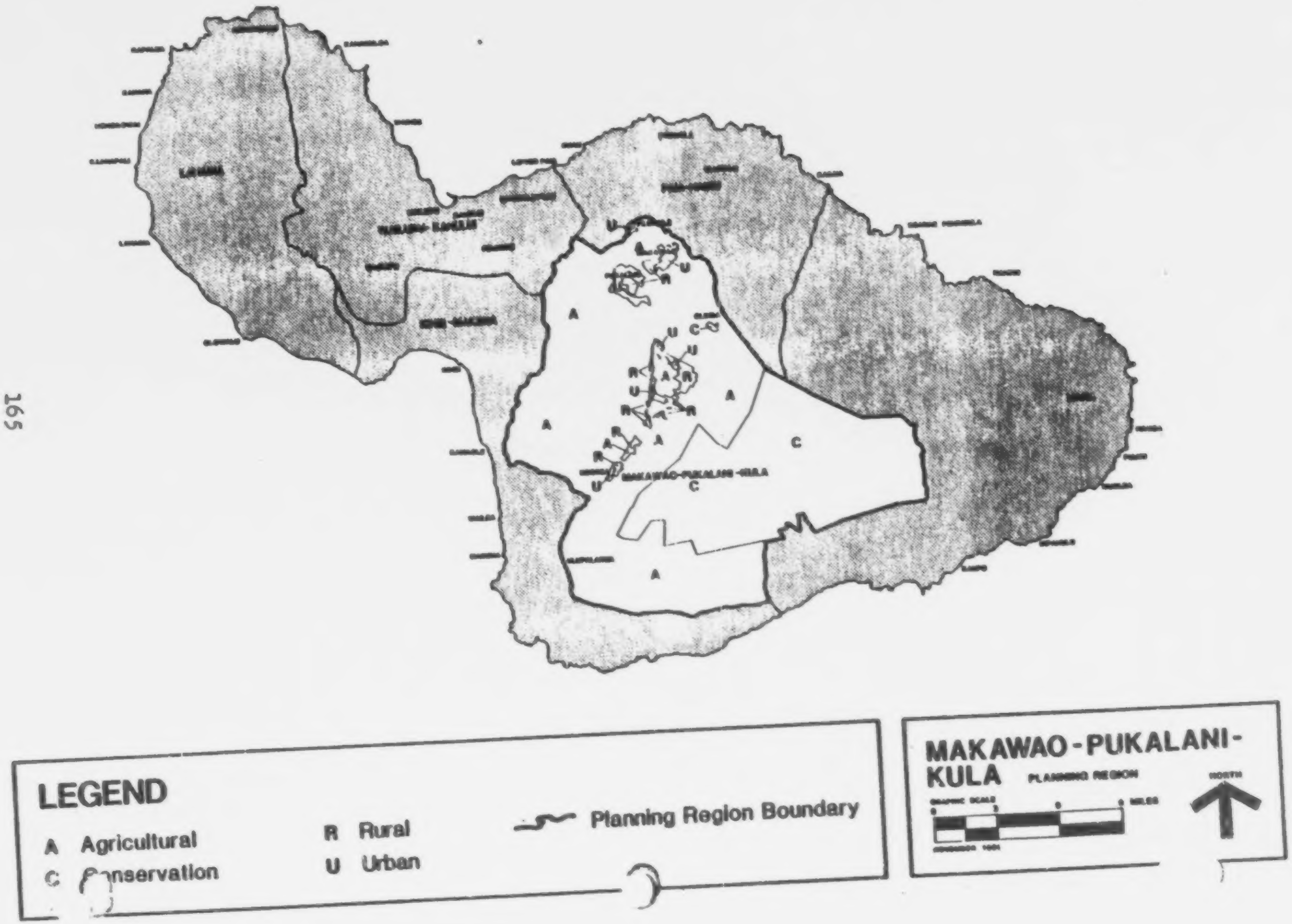
MAKAWAO-PUKALANI-KULA
U
A
C
R
MAKAWAO - PUKALANI -
KULA
PLANNING REGION
GRAPHIC SCALE
MILES
NORTH
LEGEND
A Agricultural
C Conservation
R Rural
U Urban
Planning Region Boundary

Proposed Land Use Map Changes for the MAKAWAO-PUKALANI-KULA Community Plan

1. A Public (P) use area is delineated near the Kamaole Weir to indicate the proposed County water treatment facility.

2. The proposed Makawao Intermediate School site is relocated to reflect the site selected by the Department of Education.

3. The balance of the CAC proposed school site is retained and designated as Park (PK) to allow for expansion of the Eddie Tam recreational complex.

4. The Park (PK) designation adjacent to Mayor Eddie Tam Memorial Center is deleted and designated for Single Family (SF) uses.

5. A Public (P) land use designation is added to the plan at Kailua Gulch to reflect the existing sanitary landfill site.

6. The correct location of the Makawao Fire Station is indicated and expanded to reflect recommendation #18 in the Staff report. The previous fire station location is indicated as Single Family (SF).

7. The Pukalani Community Park is changed from Public (P) to Park (PK).

8. A twenty foot buffer zone along the proposed Haleakala Highway by-pass and along Kula Highway between the junctions of Haleakala Highway and Kekaulike Highway is indicated as Open Space (OS) to reflect recommendation #9 in the Staff report.

9. A Public (P) use designation for the former Olinda Prison site is indicated on the map.

10. Conservation (C) lands are indicated on the map to reflect the existing State Conservation Districts.

11. The land area between the existing Single Family area in Pukalani and Kaluapulani Gulch is changed from Agriculture (A) to Rural (R) to reflect the Staff recommendation #9 in the Staff report

12. Kaluapulani Gulch from Kula 200 to the area below Pukalani Terrace is indicated as Open Space (OS) to reflect recommendation #9 in the Staff report.

13. The land area between the Old Kula Road and Kula Highway is indicated as Rural (R) to reflect recommendation #7 in the Staff report.

14. Existing Public (P) uses including the Shingon Temple, Haleakala School, the Hawaiian Telephone facility and Our Lady Queen of Angels Church are indicated.

15. The proposed fire station for Kula is deleted to reflect recommendation #18 in the Staff report.

16. Hawaiian Homes Lands in the region are labled on the land use plan.

Exhibit C

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PUBLIC INFORMATIONAL MEETING

KULA DEVELOPMENT PLAN
Paukukalo Pavilion, Maui

April 8, 1982
7:00 p. m.

7:00 - 7:15	Meeting Convenes Introduction ✓ Purpose of Meeting ✓ Department of Hawaiian Home Lands Planning Process
7:15 - 7:45	Presentation by Consultant: WOOLSEY, MIYABARA & ASSOCIATES Project Boundries, Limitations, Scope of Work, Maps, Timetable for Completion of Development Plan
7:45 - 8:30	Public Input - Facilitated by DHHL Staff Comments, Questions and Reactions to proposed Development Plan
8:30	PAU

Further questions or comments contact

Gordon Wong, Planner and Robert Fletcher, Land Management Division Administrator

Division of Land Management

Department of Hawaiian Home Lands

P. O. Box 1897

Honolulu, Hawaii 96805

Phone - 548-2685

Kula Development Meeting
April 8, 1962 7:00PM
Paukukalo Hawaiian Homes Community Association Hall

Introduction by Dewey Eberly of Robert Fletcher, Hawaiian Homes and Mike Miyabara, Consultant.

It was stated that the purpose of the meeting was to aquaint the people with a development plan for Kula and receive public opinion: to bring the people in at the very beginning so that further on, the people cannot say they were not made aware of what was going on.

There is no definate plan to present, therefore comments and questions were invited. Mr. Miyabara said that just basic research and looking at the property was made, therefore that would be all in the presentation, to familiarize the people with the area.

Mr. Miyabara stated that the consultants work is the extention of the overall general plan of all Hawaiian Home Lands, and that the general plan took in all areas under consideration and made recommendations.

Of the Kula lands there was approximately 6,100 acres available.

On a map was shown:			
	lower area	dryland	low rainfall
	upper dryland	similiar as above	little cooler, little more rainfall
	light green	begin steep area	
	dark green	Kula area adjacent to Keokea community	

The consultants at this time would be concentrating on the dark green outlined upper green area. According to the general plan planning records of the 6,100 acres, the general plan recommends that 5,900 acres or most of the whole site be left to grazing purposes, and that the remaining 200 acres be developed for residential house lots. It does not say how many house lots there will be, just 200 acres of them. As consultants they must locate the best 200 acres and recommend what types of use it would be: house lots, ag lots, and residential and how many lots there should be.

At this time, there is no set program- just a kind of a general guideline. The upper areas seem most desirable for any development of the 6,100 acres.

The maps shown is a guide to begin plan process:

yellow & brown areas	sloped/steep areas
yellow	15 - 30% slope costs more to develop
dark brown	very steep areas
green striped areas	ag purposes - vegetable & truck farming, nothing on a large scale
brown area	residential area - selected primarily because of closeness to existing developed areas, roads, access, etc.

Maps already done by soil conservation service to indicate which soils are good for ag use, house foundation etc.

orange areas	access problems	roads hard to come down
blue areas	possible road access points	

lots of gully - rugged in lower area

Questions and Answers from the floor:

Q- How big are lots?
A- Must come up thru consultants work and bids - initial program of 200 acres.

Q- Does general plan stick with 200 acres only?
A- As far as general plan goes, it gives a general/broad look at land, what

Exhibit D

is being used a guideline. It might not be all residential, if it should be more or less, the consultants will recommend. It might have mixed uses.

Q= Consultants are looking as to how it would be parceled out, whether ag/house pastorial/farm? A feasibility study was done, when you look atthese things, are you looking at all of it, or just one parcel? Is feedback from the community going to tell you what to put in your package to Georgiana or to the Govenor?
A= As consultants we should be able to make recommendations. For classification purposed, the Kula area is not considered prime ag land.

Q= This is redundant! A study has already been done. Every island has ag and pastorial lots except Maui. To farm big areas now, an individual must belong to Future Farmers of America or already have a farm lot or pastorial thing- they will give you $25,000 to farm a 100 acre parcel. The people are tired of this. Since 1920 we still haven't had anything done. Cost is rising every day. The reality of your situation as an expert, what is the best way to cut that parcel up? Put that to us, and let us tell you if we like it!
A= That's what we are doing- we're coming up with the best possible plan.

Q= Does the plan have to include how wide the roads are? Does there have to be a certain kind of house or side walk or street light? The people don't want this!
A= That's why we are here. We're all here to gather information and develop a plan. It takes time to work out a plan.

Q= Are you looking for definate proposals. Are you talking about 200 acres of mixed land? Sporadic or intermingling? How high in elevation are we talking about? Can we afford to go up to the mountains to build?
A= The overall general plan calls for 5,900 for grazing and 200 acres for residential homestead development. I interpret it as not spread out but in one area. We identified upper area as homestead lots. This is just a preliminary statement. Looking at the whole area the lower area might be the best area in terms of water. Logically it shows that Kula has no water.

Q= What about wells?
A= Wells are hard to put down in that elevation.

Q= Has anyone tried it?
A= Not to my knowledge.

Comment from the floor: Board of water supply is against digging wells. In Honolulu they stopped us. We had to go thru all kinds of trips.

Comment from the floor: Consultant has nothing to do with this (your) problem. You must speak to Hawaiian Homes.

Comment from the floor: They have dug wells in Honolulu.

Comment from the floor: All Hawaiians must go ahead and suggest to Hawaiian Homes-show interest and apply for pastoral lands if that is what you want. All those who are interested in pastoral lands should band together and form a hui or coop. If many people do this, Hawaiian Homes must open it up. On lease lands, a one year notice is given so that the leasees can vacate the property. I suggest that Maui choose to have the pastoral lands developed.

Comment from the floor: This meeting was opened to the general public, it should have been for those Hawaiianson the waiting list. People from the list can vote. Why only 200 acres, why can't we open all?

Comment from the floor: It must open in phases only. Can't open 5,100 acres at a time. Legislature must approve the plan, that's why the state and county can come in and assist us in development of water. It is not an overnight thing.

Comment by Dewey Eberly: Until such time that we use up the viable land area available, which is Paukukalo, we cannot take up anything under the general lease, unless we can show proof to the Secretary of the Interior that we are running out of space. So as a contingency, these people (consultants) have been hired to start planning Paukukalo. The next increment is for 49 houses with the last increment to have 43 more house lots. That will wipe out Paukukalo. In the planning phase which is 5 years down the road, hopefully Kula can start when Paukukalo is finished. The reason plan is made along Kula highway is a matter of economics. If we went now, you know how long it will take to get the money? It took 10 years to get 1.something million to clear the 49 lots now coming up in Paukukalo. Every year the legislature gives us so many hundred thousands. Property tax is given to County of Maui for security, not kept by Hawaiian Home Lands. This security is in the form of fire police and parks. Hawaiian Home owners pays for the house only for for roads.

Comment from the floor: What jobs are available up there?

Comment by Robert Fletcher: We are not necessarily limited to upper, lower or the 200 acres. Thats the guideline given by the general plan.

Mr. Fletcher asked for a show of hands as to how many people wanted a certain area over another. Danny Dancil interjected by saying a concensus could not be taken because those on the waiting list were not present.

Kapono asked for a show of hands as to who wanted the entire 6,100 acres developed. He suggested that the consultant and Fletcher go back to Hawaiian Homes and say that all the land, low, middle and upland should be developed.

Mr. Dancil said to go to every person on the waiting list and ask their opinion, not only those at the meeting, since they had 5 years.

Mr. Fletcher commented that he was hearing a lot of different things, and that was good, to get it out before and not wait until the project was halfway over, before the architects and engineers have been committed to a certain amount of work.

Danny commented that residential ag lots were less expensive to develop than residential lots and for D.H.H.L. to look into the matter and that the Hawaiian people have only been getting bits and pieces of information, and that D.H.H.L. should educate the people.

Mr. Kapono stated that homes should be made with less walls and more space. Mike Miyabara's rebuttal was that they were looking at the cost factor.

Q- How is cost factor determined for the next five years?
A- It can't be projected at this time.

Kapono asked for qualifications of Mr. Fletcher and Mr. Miyabara. They concurred.

Dewey Eberly stated that the demand for housing was as follows:

500	residential
21	ag lots
12	pastoral

He also noted that if the county concurs with variances, D.H.H.L. could bring down the cost of the subdivision by not conforming with stated rules regarding roads, gutters, no curbing, no storm drains, etc.

Comment from the floor: Even if we do have 200 acres, maybe we can only open 25 acres due to the funding situation.

Mr. Eberly commented that screening begins before the houses are built. No matter who the director is, the money comes from the same source - the legislature.

Q- 2 acre farm lots - what would it come under?
A- Mr. Eberly was not able to answer.

Comment from the floor: Where are all the Hawaiian Home Lands on Maui

Comment from the floor: The D.H.H.L. should make available to the people the economical status quo of ag type business. Cattle might not be equitable on a profit basis, perhaps another commodity? Flowers? Is there a bigger picture for Maui? The D.L.& N. plan? It so could it be brought back at the next meeting. Check to see which commodity is a biable business.

Comment from Danny Dancil: Was a ecological survey done?
A- Not yet, but it will be.

Comment from the floor: What is the nearest school district?

Comment from the floor: Cancel the pastoral lots, because only 6 Hawaiians can get on it.

It was suggested that the President of the Paukukalo Hawaiian Homes Community Association should be the person to go to Hawaiian Home Lands and give the viewpoints of the people at the meeting, as a matter of protocol.

Gladys Kim Chu asked Mr. Fletcher if a list of our requests were given him, would he attach it to his report. The answer was in the positive.

It was suggested by Rosalie Aekona that as a board member of P.H.H.C.A., Mr. Leslie Kulaloio come to the next board meeting and present his idea before the president.

Mr. Kulaloio accepted then invited the entire assembly to come because he felt it would be more effective if numbers come to approach the association as a whole. He than stated that he did not wish to be the speaker because he might make a mistake or forget something - to share the manao.

It was stated by Ilima Wood, that the president of P.H.H.C.A. could not do anything for the people present. They would have to talk to Georgiana or the D.H.H.L., as the two people present were not able to answer the questions raised. If the people want something done, do go to the top.

Mr. Kulaloio said the reason he brought the president into the discussion was to formulate a closer relationship with the present Hawaiian Homes and the future Kula Hawaiian Homes Association.

Mr. Fletcher said that although he can pass on our ideas, we have to push for what we want. Lean on the commissioners, and lean on the legislators.

Mr. Kulaloio asked for an updated chart on the increase on the cost of homes, upcoming interest, amount to pay, type of house available. Mr. Fletcher says this could probably be done. He also stated that the general lease and sublease situation is now being revised.

According to Dewey Eberly, to apply for a farm lot, you must show a projection of what you will be growing, return on investments, etc. At this time no commercial farming is being offered.

Mr. Kulaloio would like to have a chart to include the present water line system as to the number of residents, number of pastoral versus amount of water available to support needs of the people. What cost factor do you see to the DHHL in obtaining a water situation for the availibility of this type plan.

Comment from the floor: What is your next step that you will do now that we have got our ideas on what we want.
A= Now the consultants will come up with a preliminary plan that will be presented back again.

Mr. Fletcher says that an overall master plan will be available in 7 or 8 months and then it will go into detailed engineering.

Comment from the floor: How much is it costing the department for consultant's fees? A= $50,000. 00
What large projects habe you (consultant) worked on? A-= answer given.

Comment from the floor: Are consultants put on a bid basis?
A= No they are selected by the agency. Consultanting firms do put their names in and D.H.H.L. goes out and looks for consultantents also. Their process is by selection.

It was suggested that when a plan is drawn up to make a park for recreation as well as a halau. A large one like Camp Maluhia, and don't take it from the 200 acres. Take it from outside.

Comment from the floor: How far will plan go. Will it go just as far as seeing project built? Or is it going to project further than that?
A= The plan is for overall, than detailed structural will stop short of doing final design.

According to the Con-Con says Mr. Fletcher, DHHL is limited on amount of money spent. DHHL has no control on that.

Mr. Fletcher closed, thanking all for coming and saying they will be back in a few months with more details and hopefully reflecting our ideas of tonight.

Kula Developement Meeting
August 5th 1982
Paukukalo Hawaiian Homes Community Association Hall
2nd Meeting

Attendance: Jubilee Moikeha(Hawaiian Homes Commisioner)
Robert Fletcher
Gordon Wong

(The tape started sometime after the meeting actually began). The beginning of this tape had a heated discussion by Mr Moikeha and Mr Clifford Kapone not directly related to the Kula Developements.

Mr Moikeha: Asked that all questions and comments be directed toward the issue of the Kula Developements. And asked from the floor for anyone else to speak.

Christine Teruya: commented that like everything else things must be done in phases. All the Dep't is asking is for you input or manao about your feeling concerning the developements up Kula. There are three alternatives which one do the people want. And If the people has found and alternative plan. She states"Make the best of what you can get".

Mr Moikeha: Made a suggestion the Consultants should cut up the 6,000 Acre Lots into (6) 1,000 Acre Lots. Get only 6 people for the lots and the problem is solved. Now he is talking about ranchers and farming. Gibe it to those 6 people for $1.00 a year.

Q: How much are we getting for Kaanoa Ranch on 250 Acres.

A: (Mr Moikeha) We are not getting anything for the 200 Acres. We are getting $30,000 for 6,000 Acres. It is a General Lease Land.

Comment from the D.H.H.L.- He gathers by listening to all the comments that the Priority is Agriculture or Farming?

Comment: The last time you were down here. We were talking about 2 Acre farm lots and that all the Lands would be developed. You were to come back with a plan to utilize all the lands.

A: We are not saying you have no choice. We must listen to all the comments including those 500 people who are residential applicants.
At that time Mr Fletcher asked for show of hands of Residential and Ag applicants.
Kapono: asked for show of hands for Pastorial apllicants

Fletcher: We are here to hear what your number 1 Highest priority is. Whether it be for Agriculture or Residential. He asked for comments from any resident.

Comment from a residential applicant: The person likes the plan and wants the plan for the access road, ag and res, land.

Exhibit E
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Comment: So long as everyone has access to the road

Comment: Roads cost too much money

Comment: How do you determine or define what is good ag and good res. land

A: I think it should be determined by the working of the land. Talking about General Ag Purpose.

Q: What is General Ag Purposes? D.H.H.L basic limitation on MoloKai is 40 Acres. They cut you back to 10 Ac to be consistent with current farming practices. What is Current Farming Practices?

A: The price of land is valuable

Discussion of the demension of Ag Land. Pastorial and Ag land limited. 2Ac farm lots.

Q: What about the Historical Site the access road is going thru?

A: We will be checking that out regarding if any Historical value is there. It will be avoided if said is found to be of such value.

Q: Any idea as to how big the lots will be

A: Maui County is 2Ac for Ag Lots. But for homestead purposed we are not limited. (according to the Maui County Standards) If the ceiling is 40Ac lots we can come back with a plan for such. THE POINT IS WHAT ARE YOUR PRIORITIES FOR THE DEVELOPEMENT. We can't do everything one time. Do you want
1. strictly Ag for awhile
2. eventually work into Residential
3. do both at the same time. That is what we are looking for so we can begin the next step.

Q: Do we have any figues so we can work out something? How many people are interested in Ag lots vs Residential lots

A: There is a waiting list

Q: I mean for example: say you have 100 peopleinterested in 200 Ac available lots. That means each person gets 2Ac only

A: (~~By Mr. Moikeha~~) The numbers are very small. Approximately there are:
28 Applicants for Ag Lots
15 " " Pastorial Lots. The reason for the samall numbers being that back in 1970-74 opened up Kula but closed it again because the Dep't was not really ready or had no concept until the General Plan was adopted in 75-76. The Dep't had not really never fone out in force to say O.K. we are now opening Kula for say Ag/Pastorial?/ or a combination. ie: Res/Past or Res?Ag. Now you don't apply for a given area. Leasees now (those who applied in 1961-77) applied for an area. Maui has only Paukukalo for Residential. Ex; Oahu has Waimanalo,Waianae,Nanakuli,Papakolea. Now you apply for the Island Maui. If you are called for Residency at Paukukalo you have the right to defer if you want to wait until Kula is opened.

Q: The reason why I wanted to know the numbers of that is so that if there are any Hawaiians interested in farming there are figures to see exactly how many interested and in what group (ag,res.,farming) And try do break it down from there.

A: We can only go by the forms submitted in. Also Ag land is limited to 40 Acres. Pastorial can go up to 1,000 Acres.

Q: If we have that little people applying for Ag lots Why can't all of us get together as a group and take over the land. We can organize and take over the land.

Q: The Dep't of the interior says Homesteaders goot get 44 Acres. Now is there enough land here on Maui to be devided between all 20 something Ag applicants?

Q: YOu get a 2Acre farm lot and you put in an application for Residential you get the 2Ac as a Residential applicant but you have to reaplly as a farmer?

A:. I'll give you an honest answer
Residential Purposes - You can have up to 1Acre Lot
Agriculture " - 1 Acre up to 40Acres
Anything over 40 Acres it is Pastorial If it is 2 Ac It is Ag Lots

Q: You mean if I get 2 Ac as a Res. I have to reapply as Ag

A: Yes I am not sure of the procedure

Comment: If a person is awarded based on the land size so if you were going for Ag lot that is what you are given.

Q: What do you have to offer me right now? When is it going to Start?

A: I can't give you a timetable about construction. We are concerned with the priorities of the whole state. At thet point we can implement design and constructionwhich depends on times and when the money. Every year we put in your request.

Q: If we go for plan #3. Run the road thry make Ag/Res area. Where do we go from there?

A: Next step would be to forget about these otherones and develope these further. Say we devide into 40 Ac Ag Lots, say we want Res to be ½-1Ac Then the next thing to decide is

Q: Who decides this?

A: Thats what we are here for to listen to what your decisions are

Comment: Lets take a vote to decide what do you want. How big do you want your Residential Lots? 1Ac 2Ac 4? Ho w mcuh

Q: You are telling me that I can get only 1 Ac for residential lot

A: Yes the maximum is 1 Acre.

Comment: 1 Acre is not enough

Q: Who said that one acre is the maximum

A: The Act

Q: What Act?

Q: The Act 10 says 10 Acres for Ag Zone Areas- if can make it 10,2,1,½

Comment: Tell me about Res Land

A: Make it 5 Acres

Q: How much Hawaiian Home Lands get to divide among the Hawaiian people here on Maui?

A: 26,000 Acres

Q; Where is the rest?

A; Paukukalo is closest to the oceab

Q: Right now on the chart/map how many acres is the whole thing form the green all the way down to the blue?

A: 6,000 Acres.

Comment: I bought myself a beautiful big beachfront house. If he waited for Hawaiian Homes he would be #1,119 on the list

Comment: Kahikinu is not developed but it has a water front

It was suggested by the President of Pukukala Haw'n Homes that since there was but an hour left to limit all question and comments strictly with the Kula Developements. He also stated that some people present came here to listrn and learn and not to confuse them.

Comment; Now consider the three plans A B and C that which is presented now. Plan #1 Essentially just open up Mauka areas and everything down below leave for later as part of the land reserve
Plan #2 Develope the Makai Area
Plan #3 Combination of both (which seemed to be more acceptable).

Q: If we accept this plan there will be no revision It will be as it stands?

Q: If we reject the other 2 plans thats it?

Q: How big do we want the Lots?

Comment: If you wnat more than 1 Acre than you have to change the Act

Comment: An option to consider. In any event if we want to convert the whle place to 2 Acre farm lot. Residential applicants who want there applications convertedto Ag Lots can have a gaureenteed 2 Acre Lot

Q: The gree Ac there (Map) How much are Ah? How much is Res?

A: About 2,000 Ag 1,500 Res

Q: When you apply for Ag lots on your application you can state how much land you can work and how much you wnat. So leave it open like that instead of the States "ac per lot. I may want only 10 and someone else may want 40 Ac.

Q; So you want to provide mix matched area with the opportunity to go up to the max.

Q: The top is Ag the Bottom is Res. Would you consider mixing the two

A: Sure I don't want to exclude any area for Ag purposed. Some lands are better than others.

Q: Would there be a problem with Zoning? (If they were mixed)

A: For homestead purposes we are not subject to county standards.

Q: Where are we drawing the water from?

A: Right now the only place is this (points to the map of makai)

Comment: The only thing about that is if you draw it up from Makai when the clean water Act is made you will be paying double maybe triple of whay it should be.Draw up the water form that which is available for farmers. That way you pau Ag water. That is if you draw for below

A; Making water use for domestic purposes

Only can develope so manu Lots

Q: What is the cost for one house

A: In Oahu the cost is 38,000 Maui would be a little bit higher.

Fletcher: The next step would be since the #rd Plan was agreed upon. To refine it make it more detailed based on the things or comments given him now The max residentioal mix them up but giving equal priority to both Ag and Res

Q: Are you(Hawaiian Homes) going to build the houses

A: We don't build them, We make the models. We cab though We hire contractors.

Fletcher: The next meeting we will have this approach developed in more detail taking intoa account maximum size Res lots, with a wide mixture of Ag lots 2-40 Acres. Also more detailed cost figures and a timetable.

Testimony at Third Meeting

KULA DEVELOPMENT MEETING
PAUKUKALO, MAUI
October 19, 1982

The Native Hawaiian today have the awesome responsibility of making decisions that will affect our future generations.

In the past, due to the fact that most Native Hawaiians showed no records of land ownership, we were denied in taking part in governmental and municipal decisions. Now with the Hawaiian Homes Commission Act of 1921 and the Admissions Act of 1959, the Native Hawaiian can deem what our destinies will be.

Tonight we are here to listen and also decide about our Kula Development Plan. We have had to date two previous meetings, again we were faced with decision making. I would like to high-lite on a few:

1. Public Input of Draft Plan.
2. 200 acres available. Decision of people was to look at 6,100 acres.
3. No definite plan on lots.
4. Hawaiian Homes look into residential ag lots, which were noted less to develop.
5. Status of the Economic future of ag business.
6. The use, purpose and approval of the road.

There are approximately 31,173 acres of Hawaiian Homelands on the island of Maui. In Waiehu, twelve acres, Paukukalo sixty-one acres, Kula, six thousand and one hundred acres. The district of Kahikinui, twenty-five thousand acres with about eight thousand acres in forest reserve. Here we have the only surviving Ahupuaa in the state, from the top of the mountain to the ocean.

Maui was one of the last island to be developed for homestead purposes because the lands owned by the Hawaiian Homes Commission was considred not suitable for homesteading, so in 1961 a land exchange with the State Department of Land and Natural Resources was made. This area consisted of 61 acres. Eleven acres was soon developed into 52 houselots where families settled by 1963. Today, we have more house lots being developed.

I would like to comment on the Kula Homestead lands and why we should have this developed into a residential agriculture community.

A farm lot should be developed to include a residence and farm on the same piece of land. The lessee can then have the option of building on it or just farm. You can have lots ranging in size from one acre to forty, depending on the impact of your agriculture plan. This motion can be accomplished with your own decisions.

An agricultural community has access to many programs in social, economic and educational, in public and private institutions. The community can plan for areas of economic development in the form of business zoned areas that serves the needs of an ag community. Develop their schools, churches, cemetaries, and can also look into areas of light industrial. Accordingly, community pastures can be set up adjacent to agriculture lands. Should the sixty-one hundred acres be designated as a residential ag community, we can also see a separate voting district. These and more are possible. It's our decisions and we should take part in our future.

Mahalo
Daniel Dancil

Exhibit G

GNP: 0. percent rise s too weak to affect inemployment. Page A11

Election time: Polls *could* host 35,956 on Nov. 2. Page A12

Sports: Cards return Whupping as Stuper whips Brews. Page B1

The Maui News

lnesday, October 20, 1982 · Three Sections, 38 Pages · 25 Cents

Water dictates tenant plans

By LEE IMADA
Staff Writer

PAUKUKALO -- The availability of water apparently will dictate how the state Department of Hawaiian Homes develops agricultural and residential homesteads on two sites below Keokea.

More than 30 persons Tuesday night attended the last of three hearings on master plans for five blocks of Hawaiian Homes land stretching from Keokea to an area above Kihei.

At a previous meeting, those testifying told the planners to simultaneously develop blocks at the upper and lower elevations, developing the area between the two parcels as the need arises. Mike Miyabara, of Woosley, Miyabara, and Associates, Inc., the consultants for the project, presented the specifications for the two sites.

Bob Fletcher, Hawaiian Homes land management administrator, said the lower site will probably be availability of water. The upper site, the apparent favorite of most of the people testifying, lacks potable water, Fletcher said.

The plan is to pump water from the Central Maui Distribution line to the lower site, Fletcher said. The cost of bringing the water from Kihei and the roads through the site is estimated at $4.5 million.

Bill Haines, director of the county Water Department, said this morning that there is sufficient water for the lower site, but that no formal commitment has been signed. A study is currently going in the Upcountry area for sites for a catchment system.

During the question-and-answer period, some persons asked about developing on-site water sources through drilling and building catchment systems. Consultant Miyabara said that, based on drilling in areas surrounding the Hawaiian Homes site, the water would probably be noted that drilling a well would be a costly venture.

There were some questions from the floor about the building of a residential subdivision in the middle of the Keokea plan. Questioners said that they had previously requested that the area be an agricultural subdivision. Oliver Dukelow noted that developing an agricultural subdivision would be cheaper than a residential subdivision.

Daniel Dancil presented the idea of building a residential-agricultural community in the Keokea parcel. The leases could be between 1 and 40 acres with a residence and farm on each lot. The water could be drawn from the Kula Agriculture Park ditches, he said.

Fletcher noted that most of upper site was devoted to agriculture, but due to the long residential waiting list, the planners drew in the residential subdivision with 10,000 square foot lots. He said that persons on the while the agriculture list is 50 names long.

Cliff Kapono inquired about homesteading the property without improvements. Fletcher said the Hawaiian Homes Commission has not ruled either way on the issue. The administrator, however, pointed out that the law requires the department to supply water to homesteads and that the waiting list could not be circumvented.

This was the end of the hearings on the issue. Fletcher said he will probably hold another meeting to keep people posted on new developments concerning the subdivision.

The plans will now be finalized, sent to the commission for approval, and then the design and building process can begin. If things go smoothly, persons could begin building in the next two years to three years. But, based on the Paukukalo experience, a woman noted that five to 10 years might be

Hawaiian Homes plan involves water

Oliver Dukelow
Waihee

WAIHEE — Last Tuesday night, there was a meeting at the Hawaiian Homes clubhouse in Paukukalo in regards to the homestead land located at Keokea, Kula. This land is available to native Hawaiians who qualify under the Hawaiian Homes Act. There are 500 or more applicants waiting in line for a home now.

In Paukukalo, there are about 43 houses available. In these trying economic times, there is difficulty in finding 43 qualified persons to fill these available residential homes that will soon be obtainable.

The agricultural homestead land in Keokea is good in the sense that one who qualifies can start farming without having to invest a large sum of money. There are many agencies farmers can get assistance from. The area in discussion is good agricultural land.

It seems that the bulk of the discussion was based on the availability of water. There are several ways that water could be obtained. One way was through the Kihei water line which presently serves Kihei and Wailea. This water comes from Waihee. Another way was through the Kula pipeline which runs on the top portion of the planned agricultural development. One other way would be to tap the newly-erected Kula Agricultural Park waterline.

Point is, people have been using water as the leverage for developing lands. The availability of water in certain areas of Maui is quite evident. In other areas, water is precious and hard to come by. Priorities should be set forth now so that both developers and planners are aware of now much water can be made available and no one gets caught on the "short end of the stick." Also, water not suitable for drinking could be used for agricultural purposes, and not affect water used for residential development.

The Hawaiian homestead in Keokea is a darn good idea in many ways. For one, it is in the proposed Upcountry General Plan. It also gives the Hawaiians, and other ethnic groups who have intermarried into the Hawaiian scene, a chance to become independent businessmen. Many people would benefit from this agricultural homestead — stores, businesses, and the residents of Maui County. It helps our economy, and it also gives people a chance to farm right away.

An agricultural homestead would certainly not need the frills a residential subdivision would require, so the only problems would be getting the water and also building the road to the proposed area.

The sad thing about this situation is that out of the 500 persons or families applying for housing on farm land, only 10 percent will be able to obtain something. The rest of the 450 persons or families will get nothing.

Has the Hawaiian Homes Commission addressed the problem of housing for their people? In a way, it is an unfair question to try and have them answer because they certainly have the cheapest deal in town and even with their attractive deal people still can't qualify for a home, which means that they wouldn't be able to qualify for county housing either.

What does a working local have to look forward to in the future? Certainly not housing. We have to find ways which will benefit our people who work and live here in Maui County. Not a very easy task to accomplish.

MAUNALAHA VALLEY COMMUNITY ASSOCIATION

2357 Maunalaha Road
Honolulu, Hawaii 96722

Native Hawaiian Title I, P.L. 96-565

REPORTS: CULTURE, NEEDS AND CONCERNS

MAUNALAHA VALLEY COMMUNITY ASSOCIATION
2357 Maunalaha Road
Honolulu, Hawaii 96322

Native Hawaiian Title I, P.L. 96 565
Reports: Culture, Needs and Concerns of:

TO THE PRESIDENT OF THE UNITED STATES AND THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

We are a group of Native Hawaiians, living in a valley called Maunalaha at the foot of Round Top in Makiki, Honolulu, Hawaii, Island of Oahu, longitude 157° 49' 52" west, latitude 21° 19' 7-1/4" north.

Due to historical circumstances and lack of intrest on the part of the goverment and the State of Hawaii, we have been overlooked, neglected, and ignored for the past 100 or more years.

This is a summary of these historical circumstances.

In the year 1848, Keawehano, a high-ranking chief, was awarded a parcel of land (R.P. 6715 Ihi Poloke). These lands were awarded through the Great Mahele under King Kamehameha III. As high-ranking chief, he gathered his people, some being his own family, to tend, cultivate, and preserve the land for Native Hawaiians. This the people did to hold and enrich their bloodline heritage for all time.

Through the years, this little community grew yet kept its lifestyle and abided by the laws that were fast becoming a threat to them. They lived off the land, had a little store, a little church, and also managed to hold jobs outside of the valley.

Unkown to these families, this area was declared a forest reserve in 1910, but the people were left alone in their little community. Prior to this year and about the same time, the goverment had started selling lands and exchanges deep in the valley and around the ridges of this community to affluent people.

In 1919, the residents were issued permits and were told by then-commissioner T. W. Bailey that: "You will have no difficulty in having this permit renewed from time to time, if necessary." Still the people were left alone, and still the residents petitioned for the next nine years their rights to claim ownership of these lands. But the people were denied and left alone again. Goverment records show these families were still living in this same valley. They were denied their rights to repair and rebuild their homes, even though they had permits. They still kept their lifestyle. Evenafter 1959, when Hawaii became a state, things did not change for these valley people, now in the sixth and seventh generation since Chief Keawehano. Still the people were left alone.

Unkown to these families, they were being shuffled back and forth between the Goverment and the Board of Water Supply and Forest Reserve. Nobody wanted to be responsible for their well-being. In 1947, the families were told they must now start paying $5.00 per month to take care of taxes. And again they were left alone, until 1977 when the first serious challenge to these families' properties occurred, when the State of Hawaii wanted to evict the families to create a park. For six years, these families fought back with documents and house bills and resolutions through state goverment agenies. Eventually, the State of Hawaii and these families agreed to a 65-year lease.

We do not totally agree with this lease because we feel that this is our land and morally and rightfully belongs to us. We feel that we are entitled to own this piece of land that we have lived on for 100 or more years. Although many laws have been passed to help aboriginal Native Hawaiians, none of them apply to us. We have always "fallen between the cracks." We have sought financial aid from the Depatment of Hawaiian Home Lands and the Office of Hawaiian Affairs but have not gotten any help. We are very unique in this situation because we are all one family. This family consists of 165 people living in this community called Maunalaha Valley.

We have preserved and tended and lived in harmony on this beautiful land for generations. Because of restriction from both the City and County of Honolulu and the State of Hawaii, we have been unable to get any type of permit to repair and rebuild our homes, some of which are well over 50 years old. We need financial aid.

As Native Hawaiians, we want to preserve our culture and our lifestyle and not burden the entire population of Hawaii. Our young men fought in the Second World War, our women worked in defense plants, our children attended public schools. We are taxpayers and honest, hard-working people.

In closing, we would like to add this line from our State motto: Ua Mau Ke Ea O Ka Aina Ika Pona; The Life of the Land Is Preserved in Righteousness.

We would appreciate your action on this matter. We also would like to receive a report on our situation.

Mahalo A Nui Loa,
(thank you very much)

Minerva Perry Kaawa
President, Maunalaha Community Assoc.

May Kauihou Kealoha

May Kauihou Kealoha
Maunalaha Valley Historian

Attachments: Copies of documents
and the History and Claim of our Valley

No. 6[illegible]

ROYAL PATENT.

Upon Confirmation by the Land Commission.

WHEREAS, The Board of Commissioners to quiet Land Titles have by their decision awarded unto (4) Keawehano Helu 11 (½ Ili aina o Pileke) — an estate of **Freehold** less than Allodial, in and to the Land hereafter described, and whereas Lualikia, the present occupier of the One-half Ili aina of "Pileke" has presented to the Minister of the Interior, a certificate of the Commissioner of Boundaries for the Island of Oahu, defining the boundaries of the said One-half Ili aina as hereinafter described, and has paid into the Royal Exchequer the sum of Ten Dollars ($10.00) as the Government commutation [illegible], in accordance with the provision of an Act approved on the 29th day of July, 1872 to regulate the issuing of Royal Patents.

THEREFORE, Kalakaua by the Grace of God, King of the Hawaiian Islands, by this Royal Patent, makes known to all men, that he has, for himself and his successors in office, this day granted and given absolutely, in Fee Simple, unto Keawehano

all that certain piece of Land situate at Makiki in the Island of Oahu and described as follows:

Apana 1. Beginning at an iron stake at the summit of [illegible], at the head of Makiki Valley, the boundary runs:

S. 25° 45' W. true bearing 626 feet to a post along [illegible]
N. 62° 33' E. 774 along [illegible] to post.
S. 116° 40' E. 261 to post near a pond, along [illegible]
N. [illegible] W. 202
N. 65° 8' W. 428
N. 17° 39' E. 311 edge of a [illegible]
S. 32° 41' E. 630 along pali to a [illegible]
N. 33° 55' E. 2312 along [illegible] to a post, along [illegible]
S. 2° 36' W. 1282 [illegible] large [illegible]
S. 45° 20' W. 1232 [illegible]
S. [illegible] 8' W. 1416 [illegible] an iron stake
S. [illegible] 11' W. 306 [illegible]
S. [illegible] 45' E. 92 [illegible]
S. [illegible] 46' E. 1060 [illegible]
[illegible]

Apana 2. Keawehano. Beginning [illegible] of the stream adjoining [illegible]
[illegible] W. 224 feet true bearing [illegible]
N. [illegible] 41' E. 306 [illegible]
N. 23° 17' E. 206 along pali adjoining [illegible]
S. [illegible] E. [illegible] true bearing [illegible]
to point of beginning [illegible]

42

Containing ________ 119 22/100 ________ Acres,
more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description.

To Have and to Hold the above granted Land in Fee Simple, unto the said ________
Keawehano ________ his Heirs and Assigns forever,
subject to the taxes to be from time to time imposed by the Legislative Council equally upon all Landed Property held in Fee Simple.

In Witness Whereof, I have hereunto set my hand, and caused the Great Seal of the Hawaiian Islands to be affixed this ____ [illegible]
day of October ____ 18[illegible]

William L. [illegible]

Permission is hereby given to Kaiana (k) Hoa (k) Ulunui (k) Kalalukoa (k) Kahele (k) Lawrence Teemer (k) Makaliilii (k) Waimaumu (k) to live and cultivate on the Government land on the lower slopes of Round Top, at such places as may be approved by the Minister of the Interior, for which privilege they shall each pay two dollars and a half per annum to said Minister for the benefit of the Government, and shall during one day in each week without charge do whatever work the said Minister or his Agent may direct.

Such work shall be in the vicinity of Makiki.

This permission may be cancelled by the Minister at any time.

L. A. Thurston

Minister of the Interior.

Honolulu,

April 10, 1889.

Permission is hereby granted to MARY LAI to live and cultivate upon the Government land, which she is now occupying at Opu, Makiki, Oahu.

For this privilege, the following conditions shall be performed.

1. To work one day each week, during each and every year, under the direction and supervision of the Superintendent of Water Works.

2. To eradicate and destroy the growth of the Lantana from the land now occupied by her.

3. Not to suffer things to be done, that will contaminate or injure the water now flowing in the Ditch to the Government Reservoir at Makiki.

She shall have the right to remove the building, that she may build or put up on said land when leaving or upon her removal from residing thereon.

The Government has the right, upon giving her 60 days Notice for retaking the land, and which will render this Certificate null and void.

C. N. Spencer

Minister of the Interior.

Interior Office

June 25, 1891.

January 2, 1922

Permitees

1. Ms. I. Niau
2. Lizzie Maka Mekekope
3. Sam Kamokuole
4. Mary Duchalsky
5. Sam Hoopii (Kaaiai)
6. Apua Keawekane
7. Wahia Manaua
8. Joe Kaalelo (Kaalele)
9. Ms. Kahanu
10. Ms. Kalauawa
11. Louise Aukai
12. Kahoaka Jr.
13. D. Kahoaka
14. George Kopia
15. David Kanalulu
16. Keawekane
17. Ms. Paul
18. Kiowai
19. Ms. Kiko
20. John Keawekane
21. Ms. I. Niau (for Haka)
22. Jacob Koia
23. H. Luhikona
24. Ms. Julia Albert
25. J. J. Hitam
26. Ms. Apua
27. Ms. Geo Kawelo
28. Ms. Hitam
29. Ms. Hulamana 1/27/22
30. George Kahololio 4/29/22

January, 1927

(Preface: There was a revision of boundaries of Honolulu Watershed Reserve in 1926; effective 1/27/27 some lands fell outside the established forest reserve line.)

1. Outside of (David Nahoku) new forest reserve.

2. Outside of (Ms. Poli Jones) new forest reserve.

3. Outside of (Ms. Lizzie Makasobe a.k.a. Lizzie Maka Mekekope) new forest reserve.

4. Mary Duchalsky

5. Mr. Solomon Hoopii Kaaiai (note: he has #32 for a garden)

6. Ms. Mary Kauihou

7. Mr. John K. Manaua (son of Wahia Manaua)

8. Mr. Kalehua Ikaha (note: he claims that Holao Lakikona is living in Palolo).

9. (Mr. Holae Lahikono cancelled)

10. Ms. Helen Miller [jumps to #14; assume #11, 12, 13 outside forest reserve]

14. Mr. David Kapoaka (note: a cousin occupies one house & permit 36 was issued).

15. Ms. Lewai Kawaihao (note: rec'd 3/31/27)

16. Ms. Jennie Kuikahi

17. Mr. David Kohia

18. Ms. Mary Kaui da Silva (note: rec'd 2/10/27)

19.& 20. Mary Kaui da Silva (note: 3/29/27)

19. Ms. Geo Kawelo (note: 1/28/27; cancelled 3/29/27); this permit is to be cancelled on my request as I no longer desire to occupy this land and wish it turned over to Mary Kaiu da Silva.

20. Ms. Eliza Piilani (note: 1/28/27; cancelled 3/29/27 same as #19 wording of cancellation)

21. Mr. Keawekane Keawekane

22. Ms. Helen Keawekane

23. Ms. Eliz. Kaahanui

January, 1927 cont'd page 2

24. Kainoa Kinulao

25. Mr. Kimo Moses

26. Ms. Eliz. Keawekane (note: surrendered on 2/2/27 in favor of brother of occupant. Permit issued to Wm. Kalei.)

26. Wm. Kalei (note: 2/17/27; Successor to Ms. Eliz. Keawekane who has surrendered the former permit)

27. Mr. Jacob Koia (note: rec'd 3/24/27).

28. (note: not in the new forest reserve; no permit)

29. Mr. Richard Kahalewai

29. Mr. Joseph Kaalele (note: house occupied by Richard Kahalewai and family; wife a cousin of #29-Joseph); i.e., Richard's wife a cousin to Joseph)

30. Mr. John Hollinger

31. Ms. Mary Lopez

32. Mr. Solomon Hoopii Kaaiai (note: See #5; reg. garden)

33. (note: not in the new forest reserve).

34. Mr. Manuel Dulin

35. Mr. John Kaleikau (note: rec'd 1/26/27; Ms. K. Keawekane, his grandmother)

36. Mr. Ahu Tan Ling (note: cousin of #14)

37. Mr. Joseph Kaalele

38. Ms. J. Brown (note: dated 6/13/27)

MAKIKI SQUATTERS ON YEARLY PERMITS

January 1938

1. Mrs. C. S. Spencer, age 38, 2 children, ages 14 & 16; sister T. Duchalsky age 30, house lot, lei seller.

2. Mrs. Mary Lopez (moved into Neves house) age 40, husband 40, moved in 5/38, Andrew Makau 33, w. 28, 2 ch. 9, 10. ex roof laborer $80 mo., daughter 19, house lot; fireman, 150 mo.

3. Mrs. Kaleikaai Perry, age 23, husband age 30, emp. C & C road laborer, $80 per mo., 4 children, ages 8, 7, 5, 4; house lot.

4. Solomon Hopii Kaaiai, age 54, wife 49, 9 children, ages (female) 25, 15, 9, 10, 6, 3 (male) 32, 20, 11; house lot and 1/2 acre garden section; on govt. pension $100 per mo; son age 32 stevedore $80.00 mo.

5. Mrs. Mary Kauihou, age 46, 5 children, ages, 20, 16, 8, 1; houselot and church; husband emp. C & C road $80.00 per mo.

6. Mrs. Annie Liwai age 30, husband 48, 2 children, ages 14, 5; 1/2 acres house and garden; husband C & C road $80.00 per mo.

7. Richard Kahalewai age 51, wife 43, 6 children, ages (female) 17, 16, 7, 1 (male) 21, 19; emp. Hon. Iron Wks. Son 21 emp. WPA $49.60.

8. John Ahu age 46, 1 acre garden, emp. C & C road $80.00.

9. Mrs. Helen Miller, age 44, husband 38, emp. Luke Field, $120 mo; house lot

10. Jacob Koia, age 74, wife; unempl., 1 1/2 acre garden. Deceased Feb. 1938, Eliza Brown, age 27 housemaid $40.00 mo.

11. Kimo Moses, 7 children (age 50), wife 38, children ages 19, 18, 16, 15, 14, 10, 7, lei sellers, av. $40.00 mo. Son age 19 with CCC $44.00 mo. 1/2 acre lot.

12. Wm. Kaneakalau, age 49, wife 52, 2 children, 10, 5; income on produce $15.00 mo. 1/2 acre garden.

13. Abraham Kaleikini, age 47, wife 39, 5 children, ages 17, 15, 8, 7, 4; employed Bd. Water Supply $90.00 mo. 1/2 acres garden.

14. Mrs. May Kauihana, age 35, husband 37, 5 children, ages 11, 10, 8, 7, 5, husband empl. Dillingham Bldg., $60/mo., 1/2 garden lot.

15. Mrs. Annie Lio, age 46, husband 55; 1/2 acres garden lot; husband empl. contractor jobs $100/mo. (not steady)

MAKIKI SQUATTERS ON YEARLY PERMITS, January, 1938 (cont'd page 2)

16. Mrs. M. K. Fountain, age 42, husband 46, 2 children ages 7, 4; husband empl., Tax Office $124.00/mo; house lot.

17. Wm. P. Kamaile, age 27; wife 24; 2 children, ages 6, 3; painter at $85.00/mo.; 1/2 acre lot.

18. Mrs. Mary Boner, age 39, husband 44, 10 children; ages 20, 19, 17, 16, 14, 13, 12, 10, 8, 6; husband earns $60/mo. house lot.

19. Peter Neves, age 43, wife 38, 7 children, ages 18, 17, 15, 14, 9, 11, 8. 1/4 acre lot. Was earning $115/mo. to Dec. 1937...now in debt with bakery business. Moved out.

20. Mrs. John Brown, age 51, 4 children, ages 26, 15, 12, 9. 1/4 acre lot. Lei seller average $30.00/mo.

21. David Kaaiai, 29, wife 30, 2 children, ages 12, 5; house lot; C & C road laborer $80/mo.

22. None

23. Ramon Santana, age 46, wife, 34, 7 children, ages 18, 16, 13, 11, 8, 6, 2. House lot; contract laborer average $90/mo.

24. Geo. Lio, age 55, living with wife (see #15).

25. James K. Hoopii Kaaiai.

MAUNALAHA VALLEY ASSOCIATION
Territorial Government Documents
TABLE OF CONTENTS
(Listed Chronologically)

	DOCUMENT	DATED
1.	Permits to live and cultivate in Makiki from L. A. Thurston, Minister of the Interior	April 10, 1889
2.	Permits granted to live and cultivate in Makiki from C.N. Spencer, Minister of the Interior	June 25, 1891
3.	Various letters and documents regarding purchase and use of adjacent lands	May 22, 1886 thru March 21, 1923
4.	Letter from C.S. Judd, Supt. of Forestry, to I.M. Stainback, Territorial A.G.; Opinion No. 682 re: Application of Mary Duchalsky	August 29, 1917
5.	Letter from Mary Duchalsky to Charles T. Bailey, Commissioner of Public Land	September 3, 1919
6.	Annual lists of permittees (see also #10)	1922 - 1939
7.	"Squatters in Makiki Valley" by Geo. E.K. Awai. Includes: a. David Namoku and geneology b. Ms. Poli Jones and geneology c. Ms. Makasobe and geneology d. Ms. Hannah Kamauoha and geneology e. Ms. Kanoena Kanuku (Simeona) and geneology f. Edward Aki (tenant of Ms. Louise Jackson) and geneology g. Louis Johnson Aila h. Frank Waipa Akana and correspondence i. Ms. Mary Liwai Kawaiahao Boner	September 6, 1939
8.	Letter from Thos. R.C. McGuire, Assistant Forester, to Mr. L.C. Dwight, Executive Secretary	February 28, 1941
9.	Letter from Cass and Silver to Board of Agriculture and Forestry; Petition	March 31, 1941
10.	"Notes on Makiki Squatter Area", a review of permit lists from 1922-1939	September 15, 1942
11.	Letter from William Crosby, Territorial Forester, to Louis Rosa; copy and transcription	June 3, 1943
12.	Letter from R.D. King, Principal Cadastral Engineer, to A. Lester Marks, Commissioner of Public Lands	March 28, 1946
13.	Letter from A. Lester Marks, Commissioner of Public Lands to Colin G. Lennox, Board of Commissioners of Agriculture and Forestry	April 6, 1946
14.	Letter from Colin G. Lennox, President, Board of Commissioners of Agriculture and Forestry to A. Lester Marks, Commissioner of Public Lands	April 11, 1946
15.	Letter from R.D. King, Principal Cadastral Engineer, to A. Lester Marks, Commissioner of Public Lands	April 13, 1946
16.	Letter from A.A. Dunn, Land Executive, to Board of Commissioners of Agriculture and Forestry	April 13, 1946

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DOCUMENT		DATED
17.	Annual List of Permittes for 1947	January 1, 1947
18.	Letter from William Crosby, Territorial Forester, to all permittees	February 5, 1947
19.	Receipt and Revocable Permit issued to Mrs. Annie Liwai	February 11, 1947
20.	Letter from Abraham Kaleikini to Board of Commissioners of Agriculture and Forestry	November 24, 1947
21.	Revocable Permit issued to Julia Kaaia Manini	January 11, 1949
22.	Letter from Abraham Kaleikini to Mr. Crosby, Board of Forestry and Agriculture	July 15, 1949
23.	Letter from Arthur K. Trask to Mr. William Crosby, Territorial Forester	October 3, 1950
24.	Note by and Revocable Permit issued to John Manoua	October 20, 1950
25.	Revocable Permit issued to David K. Kahalewai	January 19, 1953
26.	Memo from Mr. Karl H. Korte, Assistant Forester, to Mrs. J. B. Ho, Accountant	January 20, 1953
27.	Letter from Abraham Kaleikini to Board of Commissioners of Agriculture and Forestry	January 21, 1953
28.	Memorandum for Mr. Dwight from William Crosby, Territorial Forester	December 15, 1954
29.	Letter from Walter W. Holt, Territorial Forester, to Mr. Joseph K. Kalohilani; incl.two handwritten notes	July 22, 1955
30.	Accounts Receivable list of the Board of Commissioners of Agriculture and Forestry; Letters from Walter W. Holt to various permittes re: receivables	November 30, 1955 and December 5, 1955
31.	Letter from J. B. Ho, Accountant, to Walter W. Holt, Forester	May 14, 1956
32.	Letter from Lee Maice, Executive Director of HHA, to Board of Agriculture and Forestry	October 3, 1956
33.	Accounts Receivable lists, letters to various permittes from Walter W. Holt	November 2, 1956
34.	Memo from M.F. Landgraf, Associate Forester, to Walter W. Holt, Territorial Forester	February 26, 1957
35.	Letter from Walter W. Holt, Territorial Forester, to Board of Commissioners of Agriculture and Forestry	November 18, 1958
36.	Minutes from meeting of the Board of Commissioners of Agriculture and Forestry	November 26, 1958

MAUNALAHA VALLEY ASSOCIATION
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DOCUMENT		DATE
37.	Letter from C. Eric Reppun, President, Board of Commissioners of Agriculture and Forestry, to Mr. Frank W. Eustace, Jr., Commissioner of Public Lands	December 4, 1958
38.	Letter to Mr. Holt from (name illegible, see #42)	March 26, 1959
39.	Letter from Max F. Landgraf, Associate Forester, to MHA	April 14, 1959
40.	Letter from Walter W. Holt, Territorial Forester, to Board of Commissioners of Agriculture and Forestry	April 22, 1959
41.	Letter from Walter W. Holt, Territorial Forester, to Mr. Solomon C. Kalima, Jr.	May 6, 1959
42.	Letter from Solomon C. Kalima, Jr. to Mr. Holt	July 26, 1959
43.	Accounts Receivable list; handwritten note	August 13, 1959
44.	Letter from Walter W. Holt, Territorial Forester, to Board of Commissioners of Agriculture and Forestry re: Kalima	August 20, 1959
45.	Letter from Ernest H. Willers, D.V.M., Acting President, Board of Commissioners of Agriculture and Forestry, to Mr. C. Eric Reppun, Commissioners of Public Lands	October 6, 1959
46.	Revocable Permit issued to Herman Ke	October 12, 1959
47.	Note to Mr. Holt, re: Kalima	November 24, 1959
48.	Accounts receivable list	September 2, 1960
49.	Letter from M. F. Landgraf, District Forester, to State Forester Walter W. Holt (see #52)	September 14, 1960
50.	Memo from A. J. MacDonald, Forester II, to District Forester, M.F. Landgraf	September 19, 1960
51.	Letter from Walter W. Holt, State Forester, to Board of Agriculture and Conservation	October 14, 1960
52.	Memo from State Forester Walter W. Holt to Mr. K. Fukumoto, Fiscal Officer	November 21, 1960
53.	Memo from M.F. Landgraf, District Forester, to State Forester Walter W. Holt	December 13, 1960
54.	Letter from Walter W. Holt, State Forester, to Board of Agriculture and Conservation	December 14, 1960
55.	Letter from Walter W. Holt, State Forester, to Mr. James Dunn, State Surveyor; Response of Mr. Dunn	January 9, 1961
56.	Accounts Receivable list	June 30, 1962
57.	Letter from Tom K. Tagawa, District Forester, to Mr. David Kahalewai	December 11, 1962

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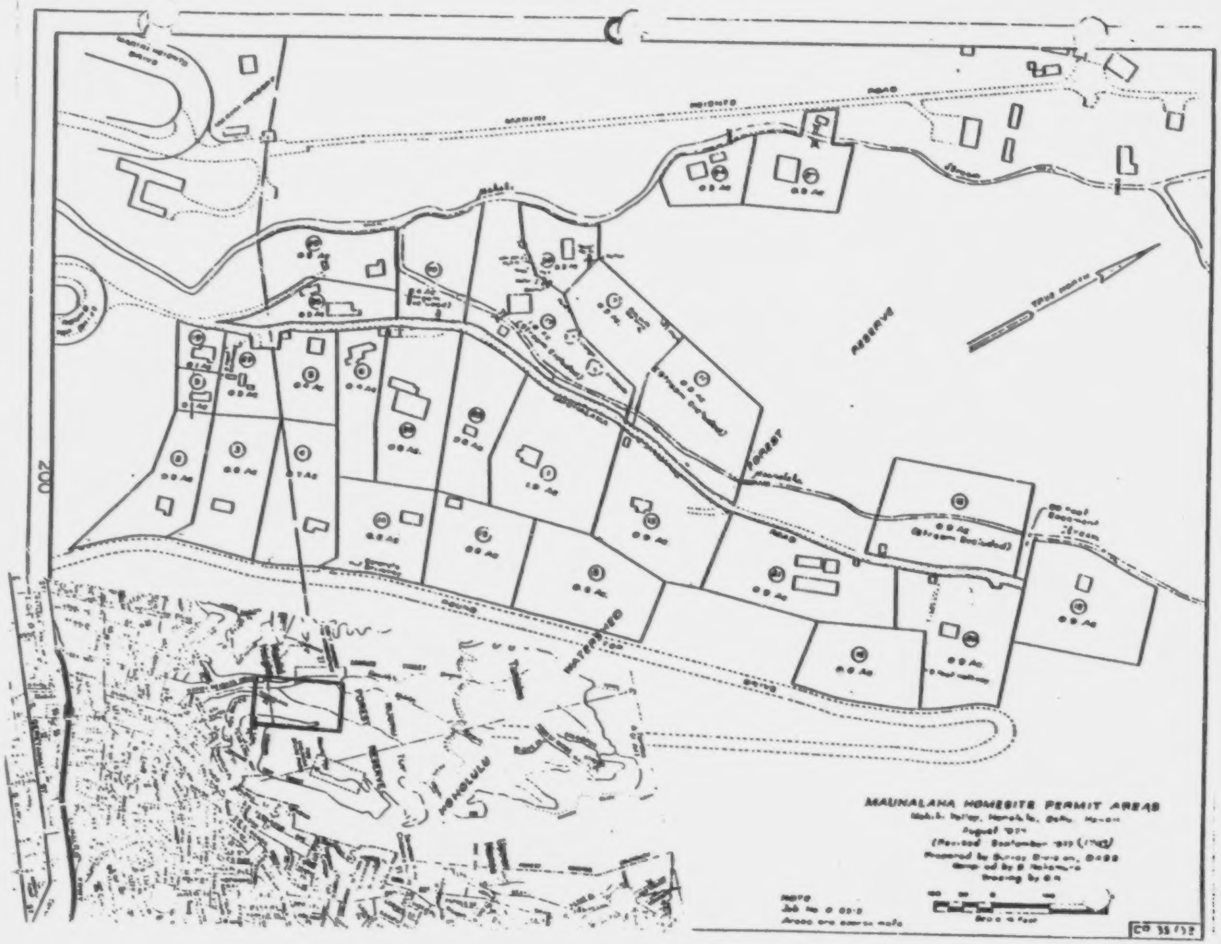
DOCUMENT	DATE
58. Letter-gram from Tom K. Tagawa, Acting State Forester, to Mr. Harry Inouye	February 3, 1965
59. Memo from Herbert H. Kikukawa, District Forester, to James T. Detor, Program Administrator; census update	May 7, 1975
60. "Maunalaha Tenants living in Valley in 1977 in livable houses", includes accounts receivable	1977
61. Revised list of Tenants, includes addresses and first settlers	March 9, 1977
62. List of "present claimants", includes chain of title and successors, three copies	April 14, 1977
63. List of Permittees	May 1, 1977
64. Revocable Permit issued to Joseph Kaliekini	May 1, 1977
65. Permittee list submitted to DLNR; map	November 21, 1977
66. List of Permit Receipts received from DLNR	December 5, 1977

List of Permits received from DLNR Decmeber 5, 1977 for Permittees.

1. Mr. and Mrs. George Ai ✓
2. Mr. Louis J. Aila Jr. ✓
3. Mr & Mrs. Frank W. Akana, Jr. ✓
4. Mrs. Winona Boner Maka ✓
5. Mr. & Mrs. Herman L.K. Brandt Jr. ✓
6. Mr. Hennessey Brown ✓
7. Ms. Geraldine Crawford
8. Mr. Alfred Fountain ✓
9. Mr. and Mrs. ~~Thomas~~ David Kaaiai, Sr. ✓
10. Mrs. Caroline Kaaiai ✓
11. Mr & Mrs. John Kaawa ✓
12. Mr. Arthur Kaleikini ✓
13. Mr. Joseph K. Keleikini ✓
14. Mrs. Emma Keouli Kalima ✓
15. Mr. William Kalima ✓
16. Mrs. Margaret Kaneakalau Watson ✓
17. Mrs. May Kauihou Kealoha
18. Mss. Leinaala Moses Lopes ✓
19. Mrs. Bonnie Lee Shea ✓
20. Mr. Andrew Makua ✓
21. Mr. James Kimo Moses Jr. ✓
22. Ms. Charlotte Needham ✓
23. Mrs. Helen Simeona Oku ✓
24. Mr & Mrs. Richard Polelia ✓
25. Mrs. Mary Hart Palomo ✓
26. Mr. James Mikiele Perry ✓
27. Mr. George Santana
28. Mr. William Spencer ✓
29. Mrs. Lydia Ulii ✓


MAUNALAHA HOMESITE PERMIT AREAS
FOREST RESERVE
HONOLULU
WATERSHED
200

ANONYMOUS

5 — —

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES
RE: CULTURE, NEEDS, AND CONCERNS OF THE NATIVE HAWAIIANS

To the President and Congress of the United States
Re: Culture, Needs, and Concerns of Native Hawaiians

6/7/83

We prefer to remain anonymous for very good reasons.

We are a Native Hawaiian couple, husband and wife, in the senior citizen category. We have been actively involved in Hawaiian organizations for many years. We are extremely familiar with and adequately informed of the numerous problems, issues of our culture, needs and concerns. We believe that our culture should best be preserved and perpetuated by the aborigines to whom it belongs.

Updated research and statistics have revealed the high percentage of poor health/poor diet based on low income, numbers unemployed and on welfare, lack of education, training, and skills to secure decent employment, and a whole spectrum of sad conditions that plague our people and need not continue if we could only receive the benefits that we are entitled to. Granted, there are a few Natives who have overcome the obstacles and achieved success.

Native Hawaiians, defined in the Hawaiian Homes Commission Act of 1920 as being 50% and plus blood quantum, have been shortchanged and taken advantage of for too long. It is estimated that there are approximately 50,000 or thereabouts 50% and plus quantum. While this group of aborigines, indigenous Natives, are still at the bottom of the ladder, the U.S. Government, State of Hawaii, Office of Hawaiian Affairs, Department of Hawaiian Home Lands, lesser than 50% blood quantum including "finger-nail" percentage Hawaiians, manage to keep the beneficiaries and most of the benefits apart.

We are constantly being brain-washed and hear the vociferous majority repeating, "We need to change the percentage of blood quantum to include all Hawaiians," "Native Hawaiians are only a small group and there's too much money for this group," "Take the vote out to the people, let the people decide," and a lot more gibberish to support and reinforce having the lesser quantum "take over." How clever this conniving bit of chicanery. What people are t[illegible] referring to? Only the bonafide "Native Hawaiian's" interest is at stake and in jeopardy. The true Native Hawaiians are outnumbered approximately 3 to 1 by the lesser quantum. The height of absurdity to say, "all Hawaiians are Natives," when the dominating ethnic extraction is other than Hawaiian. Whom are they trying to kid? Why does everyone look greedily upon the benefits intended for the Natives who are still struggling to uplift themselves. Only crumbs have been thrown our way. The "have nots" far outweigh the "haves."

The historical facts of circumvention, legal or otherwise, a new law when it's convenient, a little maneuvering or manipulating when the opportunity presents itself, where our monies are channelled here and there, often to be bottle-necked up at the top to provide salaries for administration, consultant fees, one silly program or another, where the basic necessary priorities of home, food, and health care are flagrantly disregarded with the few dollars, if any, that trickle back into the community for the Hawaiians to compete vying for funding to "better the conditions of Native Hawaiians."

We sincerely hope that the Native Hawaiian Study Commission, Federal-State Task Force and others will provide the necessary clout to rectify, put teeth into, monitor, audit, police and whatever else it takes, to be solicitous in our behalf to enable the Natives and their benefits to get together.

We are a minority in our own lands, some of us "illegaly" squatting on Sand Island before being forced out by police, Governor, etc. Some on Makua Beach, street people, in the bushes, wherever, trying to survive.

Heartfelt gratitude for allowing us this opportunity to share a small birds' eye view of our plight and that of our fellow Native Hawaiians.

cc: Governor George Ariyoshi
Native Hawaiian Study Commission
Federal-State Task Force

NATIVE HAWAIIAN ASSOCIATION, INC.
70 Paipai Street, Hilo, Hawaii, 96720

REPORT TO THE PRESIDENT AND THE CONGRESS ON THE CULTURE, NEEDS AND CONCERNS OF THE NATIVE HAWAIIANS

NATIVE HAWAIIAN ASSOCIATION, INC.

70 Paipai Street, Hilo, Hawaii, 96720

REPORT TO THE PRESIDENT AND THE CONGRESS ON THE CULTURE, NEEDS AND CONCERNS OF THE NATIVE HAWAIIAN AS SET FORTH IN THE MEMBERSHIP NEWSLETTER NO. 2 - JUNE 1983

ALOHA MAI! YOU ALL! and welcome to our 2nd newsletter. Let us begin with:

OLD BUSINESS

GENEALOGY Are you having problems with your genealogy? (Kumu Ohana) to prove your 50% or more native Hawaiian blood quantum? Are you having problems signing your signature and finding the $5.00 membership dues?

The approved membership applications have been sent to you but the white and yellow copies with the dues are not coming back to us. We need the membership applications to build our membership, we need the dues to continue operations. This is important and time marches on. If you are having problems, please call Irene Tripp at 959-8965 or write to the Native Hawaiian Association, Inc., P.O. Box 4963 or 70 Paipai Street, Hilo, Hi 96720.

FUND RAISERS We are tired of making fund raisers and begging the general public for funds. We, native Hawaiians, with the 2 trusts, are the richest people in Hawaii, yet, we are the poorest. Why?

At the Hawaiian Homes Commission meeting at Lincoln School, April 28, 1983 we asked the Commissioners for funds to operate our association, say a thousand dollars for 1983-1984. This money can come from the Native Hawaiian Rehabilitation Fund. We need money for postage, copies, travel to meetings on the other islands, this newsletter, etc., the usual costs to run our organization. We will appreciate it very much if the staff of NHRF will write this proposal for us because we don't know how to write it to suit the rules and regulations. Don't teach us how to write it, just write it. "PLEASE."

This is an official request to NHRF. Remember, we are all bonafided beneficiaries of the 2 trusts.

TAXPAYER'S COURT CASE AGAINST THE OFFICE OF HAWAIIAN AFFAIRS
Judge Sam King dismissed the case again and the membership voted to drop it due to no more money. The Judge dismissed the case not because we were wrong but because government officials doing their job cannot be sued. So now, who do we sue for using the 5 (f) money for all Hawaiians regardless of blood quantum and taxpayer's money for only Hawaiians. (we taxpayer's too)

The 5 (f) money can be used only for native Hawaiians with 50% or more Hawaiian blood and taxpayer's money must be used for everybody in Hawaii. OHA is using these fund's against the Constitution of the United States, the 5th amendment. No discrimination against sex, race, creed, etc.

Actually, we were only trying to ask the Judge the following questions:

1. Is the Constitution of the State of Hawaii higher than the Constitution of the United States?

2. Is the Office of Hawaiian Affairs under the Constitution of Hawaii, legal to take from the native Hawaiians and give to Hawaiians?

3. Is OHA under the Constitution of Hawaii, legal to take from the taxpayer's and give to only Hawaiians?

4. Is Hawaiian only those with Hawaiian blood or is Hawaiian also, all those born and raised in Hawaii regardless of ancestral lineage? (Those without Hawaiian blood)

If the Judge cannot answer these questions, than who can?

HILO SEWAGE TREATMENT PLANT We sent a letter to Mayor Matayoshi on May 5, 1982 complaining about the smell from the Perfume Factory in Keaukaha. We got a reply June 15, 1982. We understand from the reply that the County of Hawaii was going to do something about it. One year later, the odor is still there. Our members on the strip have been suffering with this for over 10 years. Everytime we pass the Perfume Factory, we can hear the smell. Come on, County of Hawaii, it is time to move it.

PUBLIC HEARINGS

1. Native Hawaiian Study Commission

We had representatives attend the last public hearing in Hilo but we never give testimony. No sense. We think the commission is studing native Hawaiian culture, needs and concerns but we end up talking about reparations. Is culture, needs, and concerns part of reparations? Is reparations for native Hawaiians, Hawaiians, the general public? We think a few basic questions need clarification. Besides, most of the Crown Lands is on Hawaiian Home Lands.

We agree with Senator Dan Inouye, Congressmen Dan Akaka and Cec Heftel. Sorry, but we do not understand what Senator Sparky Matsunaga is saying about the Native Hawaiian Study Commission. All we can say is, "send it back to the drawing board.

2. Federal-State Task Force on Hawaiian Homes Commission

Please refer to the enclosed testimony we presented at the hearing.

3. Hawaii State Legislature, 1983

This year, at the legislature, our greatest concern was S.B. 921. This bill was asking the legislature to transfer or take the Native Hawaiian Rehabilitation Funds from Hawaiian Home Lands and give it to the Office of Hawaiian Affairs. OHA don't know what to do with the couple million dollars they have in the bank, what do you think they were going to do with the NHRF if they got it? Mahalo to all the Senators that helped us keep the NHRF in Hawaiian Home Lands.

4. Our own Native Hawaiian Land Trust Task Force

We apologize to the members of our task force for not attending the last meeting. This is the first meeting we missed. The reason we did not send a representative is because we just ran out of funds for air plane fare. Thanks to Mits for sending us Mililani's position papers and the notes on the meeting. Kalamai i'au.

ALOHA OE to Stephen W. Kaheiki, our member, who passed our way. The Board of Directors and members send their deepest sympathy to the children of Stephen and Lavern Kaheiki. Lavern passed away last year. Aloha a pau loa. A hui hou.

EVICTION OF MAKUA BEACH SQUATTERS Mahalo to all the people who wrote or called us about our letter to Governor Ariyoshi complaining about the method used to evict the people at Makua Beach, Oahu.

Governor Ariyoshi wrote to us and this is what he said. Quote:

"Thank you for your letter of January 6, 1983 regarding the Makua situation. I disagree with your allegations on the Makua evictions. The operations were carried out in an orderly and non-violent manner, and the arrests resulted only after repeated requests to move had been ignorned. One of the primary objectives of the Makua operation is to enable all the people of our state to have access to the recreational opportunities that the Makua area offer." Unquote.

Okay! members, this is what our Governor said. Now, we ask the question. What happened to our native Hawaiian aboriginal rights? This is one of the things we're talking about, our culture, needs and concerns. Please refer to the enclosed testimony. We no longer can go to the mountains, we no longer can camp near the sea."

Also, we had our February ? membership meeting but nobody from the state came to inform us about the Makua beach situation. Aloha no.

NATIVE HAWAIIAN REGISTER

Please refer to the enclosed Fed-State Task Force testimony.

Page 4
NEWSLETTER
ne, 1983

We submitted a grant proposal to the American Native Affairs (ANA) in Washington for $125,000 to make a Native Hawaiian Register of only native Hawaiians with 50% or more Hawaiian blood. We know how to make the genealogy, all we need is the money for operational costs. Anyway, the proposal was was denied. They asked if we want to submit another proposal. Forget it.

We also submitted a grant proposal to the Native Hawaiian Rehabilitation Fund for $15,000 to get us started. We are waiting for their answer.
Note: Rejected by Hawaiian Homes Commission on May 26, 1983 at Anahola.

501 (c) (3) TAX EXEMPT STATIS FROM THE IRS.

We submitted the papers to the IRS for non-profit organizations in January. We got an answer in April. We answered the questions they asked, sent the papers to them, now we wait.

WORK PLANS FOR 1983 Still the same as the 1st newsletter.

1. We did submit our needs and concerns to the task forces. Hopefully, this is pau for now.
Membership drive. Come on everybody, let's move it for new members.
Native Hawaiian Register. We no give up. We need members to help.
4. Education workshops and how best to use the 2 trusts.

NEWSPAPERS AND NEWSLETTERS

We chuckle and giggle everytime we read the Office of Hawaiian Affairs, Alu Like, and Hawaiian Homes newspapers. Than, we compare it with our newsletter. WOW! one extreme to the other. If you read these three newspapers, you would think all is well, no problems, only nostalgia, harmony, and well being. Than read our newsletters. All is bitch, bitch, bitch. You know why? We get too much lip service and promises, promises, promises.

NEW BUSINESS None at this time. We already have too much to do.

Members who do not live in Hilo. Write to us. Tell us, what else is new. Everybody, if you have any comments, good or bad, for or against, write or telephone us. We will appreciate hearing from you.

The address is in the 1st paragraph of this newsletter. The telephone number is (808) 959-9023, Hilo.

MAHALO A NUI LOA.

Respectfully submitted,

Linda Dela Cruz

Lillian Linda Keaweehu Dela Cruz
President

ALU
LIKE
WORKING TOGETHER

HAWAII ISLAND CENTER
455 Piilani Street Hilo, Hawaii 96720
Telephone: (808) 961-2625

Rec'd 6/10!

June 9, 1983

Linda Dela Cruz, President
Native Hawaiian Association
70 Paipai Street
Hilo, Hawaii 96720

Dear Linda,

You keep lumping us together with OHA, DHHL and Task Force. There is only one similarity: We all address Hawaiian concerns. The differences are:

- The others receive funds from a regular flowing source like Trusts and government.

  Alu Like does not. It applies for grants, donations and to foundations.

- The others are Government entities.

  Alu Like is not. It is a private agency.

- The others are mandated to do certain things.

  Alu Like is not. It is governed by elected unpaid Hawaiians who set up the goals and objectives.

Our essential purpose is to systematically address our problems - one by one. Not sit and bitch. Not wait for someone to solve it. And we go out to get public and private funds to do it. And while others are weeping and wailing, we are helping at least 5,000 Hawaiians a year to get an education, training or services they need.

Yes, we haven't been able to solve all the problems, or help all the Hawaiians and we aren't trying to. But who else do you know positively, quietly and efficiently has actually rolled up their sleeves and gone to work as successfully as we have?

[illegible]

E alu like mai kākou, e nā 'ōiwi o Hawai'i
Let us work together, natives of Hawaii

We haven't tried to solve all the problems and help all the Hawaiians. Only as many as we can with what we have.

We avoid doing something already handled by someone else so as to spread ourselves more effectively. So if one agency is doing Hawaiian issues, we leave the task to them.

So, please don't confuse our private agency with government agencies.

And another thing, don't sneer at our feeling good about small successes.

Each person we help, each problem we solve, each Hawaiian we help educate or train - to us is a great triumph.

Yes, there are many, many problems. But crying and bitching isn't going to erase them. But getting to work, one by one, and trying to correct it will result in small triumphs.

Well, Sister, I wanted to set things straight and clear the confusion. Remember, Alu Like is a private agency operated by, for and with Hawaiians not government, and our philosophy is "get to work."

I trust you will be fair enough to print this in your next newsletter to allow me equal time and opportunity to address your remarks.

And please feel free to ask me any questions. We have always felt free to communicate with each other - our agreements as well as disagreements, and I value the honest relationship.

Me ke aloha pumehana,

Betty

Betty D. Snowden
Island Center Administrator

NATIVE HAWAIIAN ASSOCIATION, INC.
70 Paipai Street
Hilo. Hawaii 96720

June 11. 1983

Betty D. Snowden
Island Center Administrator
Alu Like. Hawaii Island Center
455 Piilani Street
Hilo. Hawaii 96720

Dear Betty:

Thank you very much for your letter dated June 9. 1983. I really appreciate your response to our 2nd newsletter. I was wondering how long we had to wait for straight answers to our straight questions. Your letter tells me that we are going in the right direction. It is time to support the DHHL. the one and only agency mandated by Federal and State Law to assist native Hawaiians. And most of all. if we want anything done. we must do it ourselves.

In the past. everytime we pointed out our problems and started to work on it. there was always some good beginning samaritans offering their services and assistance and we always fell for their sales pitch. After all. isn't it easier to have someone else do the work for you and you sit back and collect?

Yes! it is time to stop crying but we have every right to bitch. not only at others but also at ourselves. We have been stupid and gullible. we failed to recognize the Dept. of Hawaiian Home Lands for what it is and what it can do for us. While we sat back and let others do the work for us. others have also been helping themselves.

Yes! I keep lumping Alu Like with OHA. DHHL and the task forces because when Alu Like first came to our community meetings. back in 1975. there was more than one similarity. Alu Like offered us services and assistance that the DHHL failed to provide. It didn't matter then and it does not matter now if Alu Like is a private organization or a government agency. the main point was "assistance."

Yes! we received assistance from Alu Like to a point and just when we were catching on to the project and learning to solve the problems. suddenly, and I guess. that was the time the old Alu Like disappeared and the new Alu Like emerged. We were left up in the air and along came OHA. And so. we started all over again. Another sales pitch and we fell for it.

And, another thing. I never sneered at your feeling good about your small successes. On the contrary. may I congratulate you and Alu Like on all your successes. big and small.

And another, another thing. if I were you. I would never sneer and gloat at people who were wailing and weeping for things that belong to them and their not receiving it. Your position as Island Center Administrator does not give you the privilege to ascertain a high and mighty attitude. After all. you are receiving a monthly salary for everything you do for the Hawaiians. In other words. you are getting paid. I wonder how long you would last if you had to do everything for free.

Well. Sister. thank you for setting things straight and helping to clear up the confusion. I apologize for any inconvenience I may have caused and I commend you and Alu Like for all the good you have done for the Hawaiians.

May I suggest that you print your letter and my letter in your newspaper as we are limited in funds to print our newsletter. However. I will add your letter to our agenda for our next membership meeting. Hopefully. I will have the opportunity to present your letter to the farmers at the Keaukaha Panaewa Farmers Association meeting.

Yes! we have always felt free to communicate with each other - our agreements as well as disagreements. and I also value the honest relationship.

Aloha mai.

Linda

Linda Dela Cruz
President

JOHN WISE

Territorial Sponsor of Native Hawaiian Rehabilitation

HISTORY OF JOHN WISE HOMESTEADING FAILURE ON HAWAIIAN HOME LANDS

HAWAIIAN REHABILITATION

SENSATIONAL in that it must react against the Hawaiian rehabilitation policies as embodied in the Hawaiian Homes Project, is the news that John Wise, the father of the senate resolution from which resulted the Hawaiian Homes project made a failure when he undertook farming, announced that he was ready to give it up, could not make a living on the 250 acres leased to him, that the lease was revoked and that he has lost the money he put into the undertaking.

It may be argued that Wise did not give his undertaking a full trial and that he left the land to take up teaching of Hawaiian in Honolulu but it will be asserted by many that the whole project is a failure and that "even its sponsor in the legislature could not make a success of it and he had some money of his own to help in the financing."

The Hawaiian rehabilitation and Hawaiian Homes project is based upon the same assumption that most homesteading projects are founded on "any one can farm profitably or at least make a living from the land," and that is a false hypothesis. Not every man can make of himself a good lawyer, a good physician, a good teacher, a good accountant, a good salesman, a good technician, a success in any particular line of work that may be given to him. And the same is true of farming. There must be a certain adaptability inherent or acquired through training and environment to make a man fitted for success in any specified field of endeavor. Farming is no exception to the rule.

A person born or raised among urban surroundings, educated along the general lines of the schools can hardly be expected to go on the land and make a good farmer unless he has inherent tendencies and abilities along agricultural lines.

Millions and millions of hard earned savings have been lost in California in the belief that "any one can run a chicken ranch" or any one can make money from an orange grove, and the same has been the case with other fruit orchards, with olives, walnuts and other agricultural and horticultural proposals. Not any one can do every one or any one such things and bitter experience has shown it to many. Among miners there is a very common desire to get away from the danger of underground work and have a chicken ranch, a fruit orchard or a farm of some sort, and few of those who realize that hope make a success of it. When money is gone, it is back to the mines for them.

Some of those who have homesteads on Molokai will make real successes of their endeavors, others may make a living and still others will be failures. In the middle west and the south west there used to be a saying that it takes three generations of homesteaders to make a success, meaning that there will be two men or two families that will go on the rocks before a third takes over the land and makes it blossom, bloom and fruit.

There has been much adverse criticism of the Hawaiian Homes project. Not a few have condemned it as a failure. Some have defended it as a success and still others that it is an experiment deserving a fair trial.

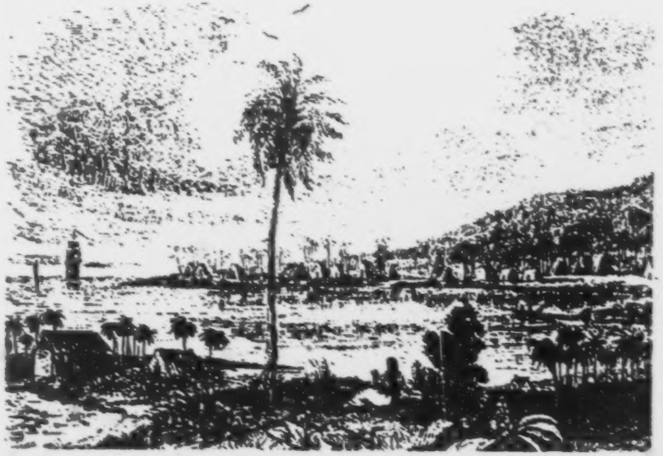
John Wise is a man of education, intelligence and ability in many directions but he was not constituted at his time of life to take up farming without training and experience. That is what the incident means and it must be apparent from it that others who have not his mental ability and education and are equally inexperienced along lines agricultural will be likely to fail similarly.

On the mainland trained, experienced farmers are clamoring for farm relief because they cannot make adequate profits from their lands. It certainly cannot be expected that the Hawaiians here will be different from those striving to subsist through agriculture elsewhere even though more is being done to assist them than has been undertaken anywhere on the mainland.

"Back to the Land," may make a pleasant sounding slogan but the fact remains that farming is a profession and not a panacea for the ills from which the Hawaiians have suffered.

MAUI NEWS, Wednesday, Oct. 31, 1928, p. 3

3. Minority Without A Champion: Kanakas On The Pacific Coast, 1788-1850



European ship sailing into Hawaiian Islands bay. From Hiram Bingham, *A Residence of Twenty-one Years in the Sandwich Islands* . . . (New York, 1848), op. p. 35.

COVER: 19th Century map showing ship
routes to the Sandwich Islands.

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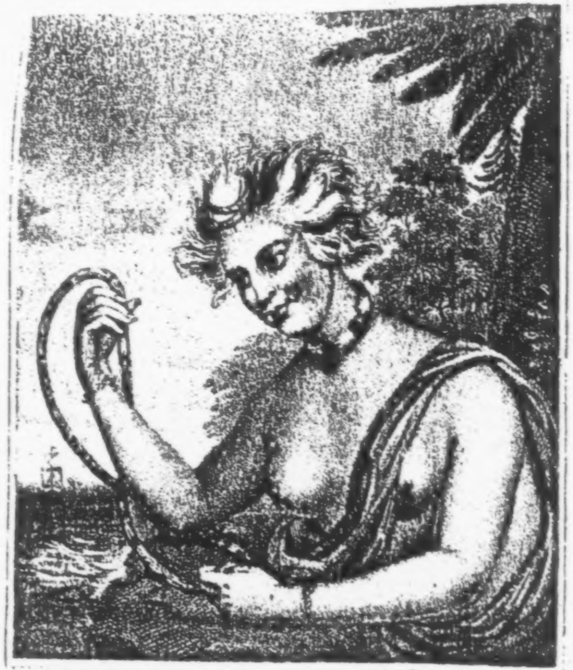
Minority without a Champion: Kanakas on the Pacific Coast, 1788 – 1850

Kanakas, Owyhees, Blue Men, were all names for the Hawaiian laborers who made a significant contribution to the economic and political history of the Pacific Coast from their first appearance in 1788[1] until the middle of the 19th century. Their labors supported the economic growth along this coast, and their demands for citizenship and equal status in the labor market created a political problem for the new governments of the Pacific area in the 1850s. Kanaka influence is best seen in four distinct historical facets of the Pacific Northwest: the fur trade empire, the Protestant missionary groups and the early settlers, the California gold rush, and the early governmental organizations of the area.

The lure of adventure and profit brought explorers and businessmen to the northern Pacific Coast from England, France, Russia, Spain, and the United States as early as the 17th century. Spanish galleons, Drake and others sailed along the Pacific shore searching for new cities of gold or the fabled Northwest Passage to China. In that process sea otter and other profitable furs were discovered. France sent Count Laperouse to investigate the same area in 1785, but he failed to establish any French claim, and did not report favorably on Pacific Coast trade possibilities.[2] During the same period Catherine II ordered out a Russian expedition while a Russian merchant was establishing a colony on Kodiak Island.[3] Russian activity stimulated Spain to further action in order to protect her California colonies and the Manila galleons.

It was the English, however, who first realized the Pacific Coast potential of the time. They were among the first to stop in the Sandwich (or Hawaiian) Islands to replenish their water and food supplies.[4] In May, 1787, the British ship *Imperial Eagle* took aboard the Hawaiian woman Winee to be the personal servant of the captain's wife, and she thus became the first recorded Islander to leave her homeland.[5] In China the captain's wife decided to travel on to Europe and Winee was left behind to return to the Islands.

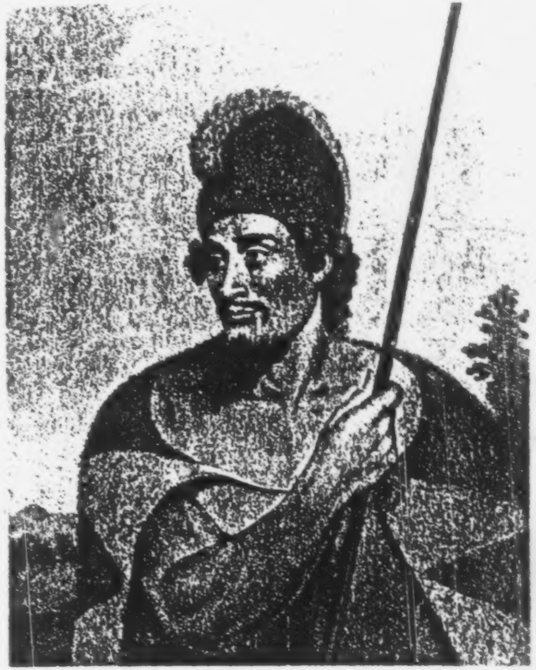


Winee, who traveled on the *Imperial Eagle* in 1787, and the *Felice*, 1788. From John Meares, *Voyages Made in the Years 1788 and 1789* . . . (London, 1790).

She found passage on the *Nootka*, then in the China Sea, and met a Hawaiian chief, Kaiona (Tianna), who had agreed to accompany John Meares aboard the *Nootka* when it left the Islands in August, 1787.[6] There were two other Kanakas who boarded the *Nootka* with Winee. They "had been brought to China by different ships, rather as objects of curiosity, than from the better motive of instruction to them, or advantage to commerce."[7] Meares considered the Islanders intelligent and dignified and described Winee as possessing "virtues that are seldom to be found in the class of her Countrywomen to which she belonged; and a portion of understanding that was not be expected in a rude and uncultivated mind."[8]

In 1788 William Douglas sailed the *Iphigenia* into an Island harbor and then set out for Nootka Sound. Thereafter, the Islands were a regular stopping point and winter harbor for all ships headed for the Pacific Coast, and along with this distinction came the increasing demand for Hawaiian labor. Ships that stopped in the Islands often needed to replace crew members as well as food and water. The Kanakas were natural seamen once they became accustomed to the larger vessels, and their native governors were receptive to the idea of contracting Kanaka labor for a specified percentage of the wage paid each Islander. When Captain Douglas reached Nootka Sound in 1788, he had on board the Hawaiian named Tianna. Two years later Robert Gray carried a Hawaiian back to Boston from his first voyage, and in 1792 when the captain discovered the Columbia River, the same Kanaka was aboard. George Vancouver's British expedition stopped in northern California with two Kanaka women aboard, and when he returned to the Sandwich Islands in 1794, Vancouver instructed his carpenters to show the Islanders how to build ships.[9] In 1807 two young Hawaiians named Hopoo and Obookiah joined the vessel of Captain John Brintnall of New Haven, Conn., and returned with him to New York. Hopoo later served in the War of 1812, returned in 1816 to New England to study the ministry, and went back to the Islands in 1819.[10]

By the beginning of the 19th century Americans, British, and Russians were exploiting the profits of the Pacific Coast fur trade. When Astor's men voyaged on the *Tonquin* to the Columbia River to build Astoria, some Kanakas enlisted for three-year service during the ship's stay in Honolulu harbor. Their wages were room and board, clothing, and $100 in merchandise.[11] Kamehameha I



Tianna, Hawaiian chief, accompanied Capt. John Meares to the Northwest Coast in 1787, returning to the Islands in 1788. (Meares, *Voyages*)

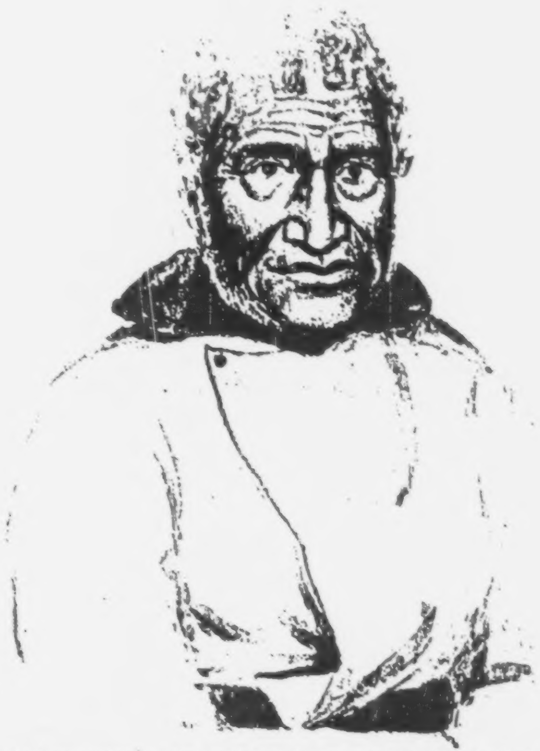
appointed one of his favorite Kanakas, Naukane, as a royal observer aboard the *Tonquin*. Naukane had witnessed the death of Captain James Cook and was a member of the royal family that took power with Kamehameha in 1810. Because Naukane resembled one of the Americans, he became known as John Coxe, and retained the name throughout his long and colorful life in the Pacific Northwest.[12]

Some Hawaiians died with the *Tonquin;* others explored the interior with Pacific Fur Company men. After the sale of Astoria to the North West Company (including the services of the Kanaka employees), they worked in the interior with the Canadian company, and two Islanders who were killed by Indians near the Owyhee River in 1819 brought about its name.[13] Islanders continued to come to the Pacific Northwest as unskilled laborers for the fur companies during this period, and farther north the Russian-American Company, too, employed Kanaka labor.[14]

After the North West Company and Hudson's Bay Company competition resulted in their 1821 merger under the name of Hudson's Bay Company, that organization became the British monopoly controlling the vast fur area from the St. Lawrence River to the Pacific Ocean. Its new responsibilities included consolidating two labor forces without losing efficiency, and expanding operations. Kanaka labor was an important factor in this expanding monopoly.

There were at least 35 Hawaiians at Fort Vancouver, another 32 at Fort Walla Walla, and several at Forts Simpson and Colville.[15] Their numbers continued to increase as the HBC expanded its operations northward, opened a sawmill on the Columbia River, and began agricultural operations. Kanakas were employed on the canoes and York boats bringing furs into Fort Vancouver,[16] and were considered better workers than halfbreeds and the Iroquois. They were also less expensive to hire than the French-Canadians.[17] By 1825, 300 Kanakas had left the Islands. Their exodus coupled with epidemics of measles and smallpox and the introduction of syphilis by the white men had rapidly reduced the Island population, estimated at 300,000 in 1778, to 134,750 by 1823.[18]

Dr. John McLoughlin, Chief Factor at Vancouver, devoted considerable time to the proper employment of the Kanakas. He placed them on board many of the HBC ships as crewmen, including the *William and Ann* and the *Cadboro*.[19] In 1829, when the *William and Ann* sank at the mouth of the Columbia, she carried 10 Hawaiian crewmen plus another 16 Islanders destined for Van-



Old Cox, a widely traveled Sandwich Islander, who worked for the Hudson's Bay Company in the Pacific Northwest. Paul Kane's watercolor and pencil sketch are used by permission of the Royal Ontario Museum, Toronto, Canada.

couver.[20] Because of sporadic competition from American merchant ships, McLoughlin considered the loss of the ship a blow to HBC monopoly. He wrote the Governor and Committee requesting immediate replacement and recommending employment of 25 men and officers, the number to "be made up with Sandwich Islanders by the Capt being instructed to procure them from Mr. Charlton . . ."[21] The day before, McLoughlin had written Charlton to recruit the Islanders on favorable terms.[22] The crew members were signed for one year, at a wage of six pounds, six shillings for first mate, four pounds, four shillings for second mate, and two pounds, 10 shillings for seamen.[23] The Kanakas were valued for their services ashore as much as for those aboard ship. The interior forts used Kanakas for menial tasks, and after the Puget's Sound Agricultural Company was organized, Kanakas were used to herd sheep and cattle.[24]

As the labor demand increased, so did McLoughlin's difficulty in acquiring a sufficient number of Islanders. He asked Charlton to send as many as possible in 1831, partly because of American competition and HBC involvement in the lumber market. Much of the lumber was shipped to the Sandwich Islands where prices were very good, since the Islands continued as a major stopover area for crew replacements and repairs,[25] not only for the fur trade but for whaling vessels and other shipping. Lumber production in turn involved the building and operation of sawmills. The first such mill was built by the HBC in 1828 on the Columbia River, a few miles upstream from Fort Vancouver. By 1836 the mill employed 28 Kanakas at a wage of 17 shillings per year, plus food that consisted mainly of smoked salmon and sea biscuits. The Company considered them excellent lumbermen, but later was forced to reduce their wages below that of white employees because of the latter's complaints.[26]

In 1832 McLoughlin's problems were compounded by the arrival of American Nathaniel J. Wyeth, who worked out plans for a combination fur trade and salmon and lumber shipping operation. From the beginning Wyeth experienced difficulty in keeping his men from deserting to the HBC. Many of those he was able to retain were incapable of managing boats on the Columbia and others were frequently sick. Wyeth wrote Simpson in March, 1833, suggesting that the HBC would find it advantageous to help supply the laborers Wyeth required, but Simpson still preferred to eliminate competition.[27]

Wyeth was not ready to give up, and returned East to accumulate additional capital and supplies, and he made alternative arrangements with the Rocky Mountain Fur Company. Since he could not contract with the HBC for cheap labor, he was forced to seek men at St. Louis. There he had to pay wages ranging from $250 per year for an 18-month contract, to a high of $300 per year for a three-year contract.[28]

Surmounting other difficulties, Wyeth's substantial party arrived at Fort Walla Walla in September, 1834. After traveling down to Vancouver, he met his ship, the *May Dacre*, whose captain brought him "twenty Sandwich Islanders and two Coopers two Smiths and a Clerk."[29] Wyeth and his new employees started back up the Columbia on October 13. On the 26th, Wyeth sent out Captain Joseph Thing, 13 Kanakas, and eight whites for his Fort Hall post. Thing's party had all the best horses and when Wyeth started out his four Kanakas had to travel by foot, "for want of Horses and goods on miserably poor animals."[30]

Before Wyeth's party had traveled far he had news that all of Thing's Kanakas had deserted. On November 11, 1834, at Thing's camp, Wyeth learned that "the Kanakas had taken about two bales of goods and twelve horses." He sent out a search party, gave Thing his four Kanakas and another 10 employees so the Fort Hall party could proceed, while he awaited the outcome of the search.[31] From November until March, 1835, Wyeth received various reports on the whereabouts of his deserters. He suspected that much of the information given him by the Indians was merely for the purpose of receiving tobacco, but he made journal entries anyway. Six Kanakas were reported at the John Day River; later Indians at the Deschutes said two had stolen Indian horses, shot a chief, and started down the river.[32] Wyeth hoped this last occurrence was untrue, because he did not want to make an example of the Kanakas to quiet the Indians; obviously he was unaware of the animosity that existed between the two racial groups.

In February Wyeth heard of the runaways: "ten took the trail over the Blue one was drowned in crossing some ford one froze in the upper country that the residue rafted on the Snake river one more died somehow about the falls [and] that seven are gone down to Vancouver." When he reached that fort February 12, Wyeth found the Kanakas there completely sick of their escapade, so he decided not to treat them severely.[33]

According to the Fort Hall ledgers, the Kanakas were paid $10

per month, most of which they spent on clothing and tobacco. Most of the recovered deserters were returned to Wyeth's Fort William on Sauvie Island. The runaways were identified as Bill King, Lawler, Isaac, Dick, Charley, George Adams, Jack, Harry, Negro, Tom Bull, Harry Parker, John Palmer and Harry Pickard. The total value of the property they had stolen was recorded as $3,135.54.[34]

Wyeth's problems did not end with the loss of his Kanakas, and in December, 1836, he wrote to the HBC Committee in London that he was breaking up his company. He asked HBC assistance in finding a purchaser for the property at the Columbia River, Walla Walla and Fort Hall. In a similar letter to McLoughlin, Wyeth also asked help in finding means to return his remaining Kanakas to their Islands. He wrote Thing at Fort Hall that he wished the Kanakas returned to their homes, "unless an arrangement mutually satisfactory can be made to transfer them to the service of the Hudson Bay Company, and it will be proper to write to the American Counsel at Oaho [*sic*] stating to him the names of those who had died in the country, and the disposal of the residue."[35]

Early in 1837 Wyeth received a reply from the HBC that it would purchase his goods and provide passage to Hawaii for the Kanakas, as well as Joseph Thing, Abel Baker and C.W. Walker, "charging a fair and moderate passage money. . ."[36] Some of the Islanders, however, did not wish to return to their homes. In a ledger entry for June 18, 1837, Joseph Thing wrote that those turned over to the HBC were Bill King, Dick, Jack Lawler, Charley and Harry Parker; Rice, Pig, John Bull and Dido evidently accepted the HBC's passage to Hawaii.[37]

All of the HBC Kanaka labor force was contracted for with the governor of the Islands. According to one such contract signed in 1840, several specific conditions were agreed on: the term of service was to be three years; if any of the Islanders deserted, the Company would pay $20 to the Hawaiian government; finally, if any died, the account would be considered closed.[38] The $20 penalty also applied if, at the end of the three-year service, the Hawaiians were not returned to the Islands if they so wished.[39]

In 1842 Sir George Simpson informed Dr. McLoughlin that there were too many Kanakas in the Company's employ and no more should be hired.[40] McLoughlin did not agree, especially since his men were still requesting replacements. He wrote London that he had found it essential to order 50 Islanders who would arrive at

Fort Vancouver aboard the *Columbia*. McLoughlin hoped this number would be sufficient to replace retiring French-Canadians and Company employees who had died. He asked that the Governor and Committee in London approve, since he himself had no authority to order Kanaka replacements.[41]

When John McLoughlin, Jr., was murdered at Fort Stikine in 1842, several Hawaiians were reported as witnesses. Dr. McLoughlin sent William Spencer to question those Islanders since Spencer spoke their language fluently. The subsequent testimony revealed that McLoughlin, Jr., had flogged several of the Kanakas for sleeping on watch. But the Hawaiian witnesses remained loyal to the Company as represented by McLoughlin's son, and testified against the French-Canadians who committed the murder. Captain Cole, one of the Islanders, stated he had seen the man named Heroux standing with his foot on the dying McLoughlin. Kalepe, a second Kanaka, reported he had seen Heroux fire the fatal shot.[42]

Other testimony on HBC relations with the Kanakas came in 1849, from a visiting American missionary from the Islands, Samuel C. Damon. At Fort Vancouver he visited several of the Kanakas, who told him that the Company had hired a minister and schoolteacher for them.[43] There was an Owyhee church at the fort, and Kanaka William was minister.[44] Kanaka William had arrived at the fort late in 1844, after McLoughlin wrote HBC agents in Hawaii requesting a Hawaiian to preach to Kanakas employed by the Company.[45] Kanaka labor was important enough for the HBC to make efforts to keep them happy and to improve their cultural conditions.

The second distinct group in the Pacific Northwest which depended heavily upon the Kanaka labor force was the early Protestant missionaries. In 1835 the American Board of Commissioners for Foreign Missions sent Samuel Parker on an exploratory mission to the Pacific Northwest to determine the feasibility of establishing missions there. The next year, Marcus Whitman, who had accompanied Parker part of the way, brought his wife, Narcissa, and Rev. and Mrs. Henry H. Spalding to the Oregon Country. Dr. Whitman built his mission at Waiilatpu among the Cayuse Indians, while the Spaldings established themselves at Lapwai among the Nez Perce.

The ABCFM missionaries were preceded in the region by Methodists who began building in the Willamette Valley in 1834. When Parker reached the Pacific Coast he made it a point to visit the

Methodists, led by Jason Lee and his nephew, Daniel Lee. Parker returned to the States in May, 1837, where he continued to urge the ABCFM Board to send additional missionaries to the Oregon area.[46]

Both missionary groups had arrived in the Oregon Country with only the absolute essentials of equipment and food while everything else was sent by sea. They needed to build shelters and plant crops as soon as they arrived in order to survive during the first winter. Since they brought no labor force with them and considered that their primary duty was the spiritual conversion of the Indians, they needed an adequate and dependable labor supply. They discovered early that Indian labor was unreliable and quickly began drawing upon the Kanaka labor force.[47] In 1844 Jason Lee reported to his missionary board that the Kanakas were used in groups of five or six to build the missions, and that mission farmers usually had only three Kanaka employees, except during harvest periods. Their wage was $10 a month, the price paid by the HBC, although the Islanders preferred "$74 a year, Beaver prices."[48]

Rev. Gustavus Hines, also a Methodist, wrote the missionary board complaining about the treatment of the Islanders,[49] and Rev. A. F. Waller stated several times that he deplored the treatment of the Kanakas by the HBC and wished to do something to improve their situation. He did not, however, apply these humanitarian ideas to the Kanaka laborers he employed.[50]

One of the earliest and most thorough indictments of the treatment given the Kanakas was written by Herbert Beaver, the Anglican minister who arrived at Fort Vancouver in 1836 to minister to the spiritual needs of the HBC employees. He wrote a long report to the Aborigines' Protection Society of London, stating that the Kanakas employed by the HBC were little better than slaves and were frequently flogged or imprisoned. He cited one instance in which a Kanaka "was confined in irons for the space of five months and four days" for shirking his duty, then later was found to be innocent of the charge.[51] Beaver was not an unbiased source. He and McLoughlin did not get along for several reasons: McLoughlin and the HBC did not leave Beaver free to do as he chose, their religions differed, the aristocratic Beaver did not like frontier life, and looked down upon McLoughlin as a frontier fur trader.[52] The small advance the Kanakas received before leaving the Islands had to be given to the chiefs, and clothing for the colder climate might cost an entire year's wages. Beaver also claimed that the HBC charged the Hawaiians, and others, at a 100% mark-up for necessities. Such treatment, according to Beaver, was reflected in the religious attitude of the Hawaiians, who soon forgot the teachings of the missionaries in Hawaii and returned to their pagan religion.[53]

As the Methodist and ABCFM stations expanded with new missionary personnel, demand grew. Most of the missions employed Kanakas to work the farms and to do the kitchen chores.[54] At least six were employed by the ABCFM group, and another 15 to 20 by the various Methodist mission stations. The Kanakas were considered loyal and dependable, and often were afforded privileges denied to the native population.[55] If they left to return to the Islands, or to find other employment, the situation often became chaotic. In 1843, Lewis H. Judson wrote to Amos S. Cooke in Honolulu repeating his request for a Hawaiian with his wife. Judson could have found plenty of Indians for his work but did not consider them reliable. He had employed from three to five Kanakas at Mission Mills and had no idea how he could manage without them.[56]

A.B. Smith, of the ABCFM mission at Kamiah, also wrote his superiors lamenting the lack of reliable Indian labor and wondering how he would manage without the Hawaiian who had left him recently, "on account of his being alone, having none of his countrymen with him to converse with." Smith was certain that Hawaiian help was the most desirable since " 4 Indians would not be worth so much as one Hawaiian. . ."[57]

Both Whitman and Spalding employed Hawaiian laborers, and in one instance a Kanaka stepped in to protect the life of Spalding during a bitter argument between the latter and an Indian.[58] Narcissa Whitman was particularly impressed with her Kanaka servants, not only because they were such good laborers but also because of their kind feelings and strong loyalties. In one of her many letters to her mother she asked that her mother remember the Islanders in her prayers, a sentiment Narcissa did not express at any time toward the Indians of Waiilatpu. One of her Kanakas, Joseph, had become ill and died, and Mrs. Whitman lamented: "Our loss is very great He was so faithful & kind alway[s] ready & anxious to relieve us of every care. . ." She felt it had been a privilege to have helped in saving his soul.[59]

Another example of missionary feeling toward Kanakas as different from Indians appears in Cushing Eells' apocryphal account of a Kanaka who was killed by the Cayuse because he

refused to cooperate with them after the Whitman Massacre.[60]

Their dependability and loyalty made them less the heathen in the eyes of the missionaries, and the Kanakas had no innate land rights in the Oregon Country. Plans were made by L.H. Judson to obtain Hawaiians for the Oregon area to act as instructors for their fellows and to hold services for them each Sabbath.[61] In the Islands, Amos Cooke noted, several had already risen to supervisory status in the mission schools.[62] Compared to Indians, Kanakas were more easily accepted into the church. In 1839 Henry Perkins described a religious revival held at Mission House in which a Kanaka and William A. Slacum[63] were converted at the same time. The Hawaiian, Charles Cahanaiah, was learning the blacksmith trade at the mission. He attended the revival meetings and during one of them requested to be admitted into the church.[64] The missionaries did not seem to doubt his sincerity as they frequently did in the case of the few Indians who requested admission.[65]

As the northern Pacific Coast area continued to attract settlers, the economy expanded. White laborers were more readily available by the 1840s, but Kanaka workers were still in great demand. Their numbers had spread from northern California, where they were employed by John Sutter because of their excellent seamanship, to the American colonies of the Russian-American Company which reported that 1,070 of their population were Kanakas.[66]

The Hudson's Bay Company continued to employ them as voyageurs, lumbermen, and seamen. The training they had received from the missionaries enabled them to work as blacksmiths, farmers, and builders. These varied talents created demands from new sources. The first American merchant at Astoria, A. E. Wilson, employed five of the Islanders in his sawmill in 1846. He also contracted for his labor with the Hawaiian King and paid $5 per month plus board.[67] Anson Cone emigrated to Oregon Country in 1846 and worked beside Kanakas in the sawmills. He considered them to be good workmen, especially in the water.[68] Above all else, however, their seamanship held the greatest value.

When Edward Vischer left Boston and traveled to California in 1842 to establish himself as a merchant, he arrived aboard the schooner *California.* He noted that all of the crew of that ship were Kanakas except the captain, mate, cook and steward: "These Kanakas have become almost indispensable for the ships along the coast of California."[69] They were superior in handling boats and performed most of the less technical tasks. He reported that many of the captains who were unfamiliar with the Pacific shore owed their lives to the Islanders, and their conduct was also praiseworthy, since they were modest, sensitive, and willing to share. The log of the *Emily Bourne* (which touched at Hawaii in 1852), also commented upon the excellent ability of Kanakas in handling ships.[70]

Thomas O. Larkin, U. S. Consul for California, had frequent encounters with Kanaka seamen who arrived in California too sick or disabled to perform their ship duties. In 1844 he wrote Secretary of State John C. Calhoun asking if he was authorized to receive reimbursement for the care of these seamen. The Treasury Department reply, dated June 12, 1845, informed Larkin that such expenses would not be reimbursed, since the men were not "American Seamen," and so not entitled to relief.[71]

As crewmen on a U.S. ship, the Kanakas made a small contribution to the international situation in 1848-49. Eight Hawaiians and 10 other crewmen aboard the *Lagoda*, owned by Jonathan Bourne, Jr., of Massachusetts, joined in a desertion on the Japanese coast in 1848. The Japanese imprisoned them, and several efforts to free the deserters failed. Even the Dutch consul in Japan could not at first get permission to supply them with food and clothing.[72]

According to depositions given by the seamen after their release and presented in a hearing before Congress, the men had deserted because of harsh treatment. After three months in cages in Japan, one of the Hawaiians committed suicide by hanging himself. The Japanese did not remove the body until two days later, and then would not allow the other crewmen to bury the dead Kanaka.[73]

It was in 1849, too, that the world generally learned of the gold discovery on the American River in California. Suddenly, Kanaka labor began disappearing as the Islanders joined the exodus to the gold fields. John Sutter lost his Kanakas, as did the HBC.[74] Kanaka Bar was one of the areas worked by these Islanders, but it did not prove profitable.[75] They did have some success in the gold fields, but had no social standing and frequently were involved in conflicts with the other miners because they preferred to dive for the gold in the rivers rather than use conventional methods.[76]

Many Kanakas stayed in California, however, seeking employment as laborers. In 1850 the California census listed 319 Hawaiians, though ten years later the figure was only 138.[77] At first they were accepted into the California work force without prejudice. San Francisco city fathers noted on Nov. 30, 1847: "paid 3 canacas 5 days each @ $1, $15."[78] The council did not deliberate

over this payment and did not demand union cards.

Later, when white labor was more abundant, the same dissatisfaction with Kanaka competition was expressed as the HBC had encountered earlier. In 1852 the California Senate resolved that "Chinese or Kanaka carpenters, masons, or blacksmiths, [brought to California] in swarms under contract to compete with our own mechanics, whose labor is as honorable, and as well entitled to social and political rights as the pursuits designated 'learned professions,' " should be excluded.[79] Kanaka laborers could no longer expect complete freedom in the choosing of occupations or locations along the Pacific Coast, but many still refused to return to their homeland.[80] Of those who left, some followed the trail of gold to British Canada where a rush had begun in 1858, and later to Oregon.[81]

Some of those 138 Kanakas who remained in California in 1860 began missionary work with the Digger Indians, considered the lowest of Indian groups. No church had bothered to consider their salvation, but the Islanders moved into their midst, taught them new skills, and intermarried with them.[82] One of these Diggers, John Makani, was sent to the Islands for religious training by the Hawaiian Missionary Board and later returned to California to teach and Christianize his tribe.[83] But the Diggers were doomed as surely as other California Indian groups, and Kanakas who were themselves facing discrimination in this area could do little to protect Indians.

The final group affected by Kanaka presence along the northern Pacific Coast were those early settlers who attempted to organize some form of government structure, especially in the Oregon Country. That area was the center of a long dispute between the U. S. and England, and until the final settlement in 1846, American fur traders, missionaries and settlers were pitted against the influence and power of the Hudson's Bay Company. When a local provisional government was established in 1843, its purposes included that of protecting American rights from the threat, real or imagined, of HBC control and encroachment. Thus, by the time Congress passed the act organizing a territorial government in 1848, the HBC employees were disliked by a majority of the American settlers, and they sometimes became the focal points for heated attacks on the Company as an overbearing economic influence and foreign monopoly.

In addition, the opposing forces that would clash over the issue of slavery manifested several additional social phenomena that influenced the political characteristics of the Oregon Country in 1848. Whether or not it is true that racial prejudice became more pronounced as the American nation expanded westward, the fact remains that such prejudice was exhibited in Oregon against Negroes, Kanakas, Indians and the Chinese: all were inferior because none were white.

Oregon politics and political leaders were only mirrors of eastern thought during the same period, with minor variations to accommodate local differences. Easterners, for the most part, were unfamiliar with the immediate realities of Indians unexposed to American civilization, but the menace inherent in those in the Northwest was exploited after the Whitman Massacre.

Land was of paramount importance to Americans regardless of their location and the demand for its effective exploitation for the benefit of white Americans increased racial problems. Americans believed that land ownership meant prosperity, social acceptance and individuality. Land was nationalism, democracy, and equality at the polls, and the man who owned land and tilled the soil was a symbol of respect, of the American dream and the agrarian myth. Agrarianism encompassed racial prejudice – toward the Indian because he did not accept the symbol or the dream (as well as fear and guilt because he was being displaced), and toward Negroes, Kanakas and Chinese because land acquisition for them meant less land available for whites to control and exploit. The obvious solution was to deny these minorities consideration under the various U. S. land laws, and this policy, in turn, furthered prejudicial social, political and economic behavior on the part of the white majority.

The American settlers' anger early fell upon Kanakas, who were not only HBC employees but also members of a foreign race. In December, 1845, the Provisional Government's legislative body considered an act providing "that all persons who shall hereafter introduce into Oregon Territory any Sandwich Islanders. . .for a term of Service shall pay a tax of five dollars for each person so introduced."[64] An additional section of the bill called for an annual $3.00 tax on persons already employing Kanakas and not returning them to the Islands.

Under territorial organization the Hawaiians had become such nonentities that the 1849 census did not include them, just as it did not count natives and halfbreeds. Authorized under Section

4 of the Congressional act creating Oregon Territory was a "census, or an enumeration of the inhabitants and qualified voters. . ." before the first election, and the count showed the territory with a total foreign population of 272.[65] The Kanakas had been relegated to a status no better than the Indian population and were being given strong hints that their labor no longer enjoyed a preferred position. That same year of territorial organization, 1849, some Islanders duly presented themselves to the new authorities to become American citizens, so they might vote in the June election.[66] Governor Joseph Lane did not feel "authorized" to accept them, and referred the question to the new federally-appointed Chief Justice, William P. Bryant. As reported, again by Rev. Samuel C. Damon from his 1849 visit, Bryant "expressed a similar opinion," though "not perfectly decided" that it was against U.S. laws for the Islanders to become citizens. If there was no precedent on those of "Asiatic descent," the law was explicit enough about those of the "African race," or "aborigines of the country."[67]

When the land policy for the newly created Oregon Territory came up for debate in the U.S. Congress, the exclusion of Kanakas was a concern of the first territorial delegate, Samuel R. Thurston. He introduced a resolution in the House of Representatives in May, 1850, asking that the territorial committee be instructed to gather information on several points relating to Oregon lands. First, the present population of the area and the number of American citizens and foreigners should be determined. Second, what inducements had been given to emigrants. Third, what was the traveling time to the area, both by land and by sea. Fourth, and most important, the justness of donating land to American citizens then in the Territory and to all foreigners who would become citizens, and the rules that would govern donations made to native born and naturalized citizens.[68]

On May 28 Thurston offered an amendment providing that a grant of land be made to "every white male settler or occupant of the public lands, American half breeds included," but not to include "members and servants of the Hudson's Bay and Puget's Sound Agricultural Company."[69] This amendment caused considerable objection. James Bowlin of Missouri pointed out that there should not be two different sets of requirements, one for settlers already there and another for those who came later. Bowlin also believed that land should not be reclaimed, merely because the settler was a former HBC employee. Thurston replied that only two of the committee members had been in favor of giving land to HBC employees, and that such a practice would be the same as forgetting that England was an enemy of the United States. Furthermore, Thurston had been instructed by his legislature to request land donations for American citizens only.

He would therefore oppose any amendment that would give land to anyone connected with the HBC, "including some hundreds of Canakers [*sic*] or Sandwich Islanders, who are a race of men as black as your negroes of the South, and a race, too, that we do not desire to settle in Oregon. Whatever falls into the hands of these men would be just so large a windfall to the Hudson's Bay Company."[90]

The privilege of citizenship was exactly what the Kanakas had petitioned for in 1849. Delegate Thurston revealed the true reason for his wish to exclude the Islanders from the land act. He considered them an inferior race, one that would cause trouble just as the Negroes would cause trouble if allowed to enter Oregon Territory. Thurston remained adamant in demanding that Sandwich Islanders and Negroes be excluded because "if allowed to come to Oregon, they will commingle with our Indians, a mixed race will ensue, and the result will be wars and bloodshed in Oregon."[91] Indeed, settlers had and did come to Oregon to escape both slavery and blacks.

The Kanakas were not given the privileges of American citizenship or of claiming land. Some of them remained in Oregon Territory as employees of the HBC until the Company retreated northward in the face of diminishing fur profits and increasing American hostility. Many Kanakas moved to California where their seamanship was still in demand even though discriminatory practices against them were increasing there, too. Certainly there were those who intermarried with the natives and were lost as a distinct racial group, and those who returned to their Islands and home.

What they left behind, however, should not be forgotten. For almost a century they were an important part of the foundation of the economic institutions of the northern Pacific Coast. They had provided the food and built the shelters of the early missionaries. They had worked on many of the merchant ships that sailed into the northern Pacific waters. They had provided the labor for early American businesses in the area. They contributed to the long tenure of the Hudson's Bay Company in Oregon Country. They had proven their loyalty and ability, and left their name on

both natural geography and man-made structures.[92] The Hawaiians had been willing to join the new territory and the new nation to continue to contribute to their economic growth and political equality, but they were a small minority of brown people who originated in a foreign land. Once Americans from the eastern United States began moving across the Rockies in large numbers, Kanakas faced a discrimination aimed at Chinese, Indians, Negroes and themselves. The Kanakas wanted only equal rights – to settle, to acquire land and sustenance, to raise a family and to continue to contribute to the growth and prosperity of their adopted country. What they received was almost total denial of such rights and opportunity. So the Kanakas returned to their Islands, and by 1900 their presence west of the Rockies could be associated with only a few scattered areas.[93]

What Kanakas might have contributed as United States citizens after 1900 can never be known, and what they achieved in Hawaii is another story. There is no doubt, however, that Kanaka contributions prior to the beginning of the twentieth century deserve careful consideration in the evaluation of the HBC influence upon future coastal growth, in the study of the exploration and settlement of the area, and in the determination of factors that influenced economic progress in the northern Pacific Coast area.

NOTES

1. Robert C. Clark, "Hawaiians in Early Oregon," *Oregon Historical Quarterly* (hereafter *OHQ*), XXXV (March, 1934), 22-32.
2. Dorothy O. Johansen, *Empire of the Columbia* (2nd ed., New York, 1967) 35.
3. James Burney, Journal on the Coast of America, entries for March 8-July 24, 1778, Ms. 440B (photostat, Oregon Historical Society; original in Mitchell Library, Sidney, Australia).
4. Guy V. Bennett, "Early Relations of the Sandwich Islands to the Old Oregon Territory," *Washington Historical Quarterly*, IV (April, 1913), 116-26. At this period the Hawaiian Islands were known as the Sandwich Islands after the British Earl of Sandwich, and the inhabitants as Kanakas or Owyhees, the latter probably a corruption of Oahu Island. The word Kanaka meant representative of the king in Hawaii. Hudson's Bay Company personnel were the only ones to use the term Blue Men.
5. Ralph S. Kuykendall and A. Grove Day, *Hawaii: A History from Polynesian Kingdon to American State* (Englewood Cliffs, N.J., 1961), 31; Clark, "Hawaiians in Early Oregon."
6. John Meares, *Voyages Made in the Years 1788 and 1789...* (London, 1790), 9-10.
7. *Ibid.*
8. *Ibid.*, journal entry of Feb. 5, 1788.
9. Agnes C. Conrad, "Hawaiian Registered Vessels," *Hawaiian Journal of History*, 3 (1969), 31-41; Clark, "Hawaiians in Oregon."
10. "Memoirs of Thomas Hopoo," *Hawaiian Journal of History*, 2 (1968), 43-46.
11. Bennett, "Early Relations...," 121.
12. David Kittelson, "John Coxe: Hawaii's First Soldier of Fortune," *Hawaiian Historical Review*, I (January, 1965), 195.
13. Clark, "Hawaiians in Oregon."
14. See Raymond H. Fisher, *Records of the Russian-American Company, 1802, 1817-1867* (National Archives Microfilm Publications, Pamphlet Describing M11, Washington 1971), p. 112, Main Office to Governor General M. E. Muraviev, 27 March 1825.
15. John M. Hussey, *The History of Fort Vancouver and its Physical Structure* (Tacoma, 1957), 182-84; Letters 188 and 194 in Burt Brown Barker, ed., *Letters of Dr. John McLoughlin written at Fort Vancouver 1829-1832* (Portland, 1948), hereafter cited as Barker, *McLoughlin;* Alexander Ross, *The Fur Hunters of the Far West; A Narrative of Adventures in the Oregon and Rocky Mountains* (2 vols., London, 1855), I:178.
16. Journal entry for March 22 and April 4, 1825, John Work Ms. 319, OHS.
17. Ross, *Fur Hunters*, II:141. 293-94.
18. Robert C. Schmitt, "Population Characteristics of Hawaii, 1778-1850," *Hawaiian Historical Review*, I (April, 1965), 199-211.
19. McLoughlin to the Governor and Committee, Oct. 6, 1825, and July 6, 1827, in *McLoughlin's Fort Vancouver Letters: First Series 1825-38* (also *Second Series 1839-44; Third Series 1844-46*, Hudson's Bay Record Society, London), Vol. IV: 21, 43. (Hereafter HBRS IV, VI or VII.)
20. E. E. Rich, *The History of the Hudson's Bay Company 1670-1870: Volume II: 1763-1870* (HBRS, London, 1959), 622-23. Hereafter HBRS XXII.
21. Letter 26, Barker, *McLoughlin*, 29-38. Richard Charlton was the British Consul at the Sandwich Islands until 1833 when he was replaced by George Pelly. See Barker, *McLoughlin*, 301.
22. Letter 22, Barker, *McLoughlin*, 27.
23. Letter 200, Barker, *McLoughlin*, 225.
24. Alexander Simpson to John McLoughlin, Oct. 1, 1840, HBRS VI: 229.
25. Letter 202, Barker, *McLoughlin*, 229; G. P. DeT. Glazebrook, ed., *The Hargrave Correspondence 1821-1843* (Toronto, 1938), 384; *The Friend* (Honolulu), Jan. 1, 1845.
26. Donald H. Clark, "Sawmill on the Columbia," *The Beaver*, Outfit 281 (No. 1, June, 1950), 42-44.
27. Wyeth's plans and difficulties appear in F. G. Young, ed., *The Correspondence and Journals of Captain Nathaniel J. Wyeth 1831-6 (Sources of Oregon History*, pts. 3-6, Eugene, 1899). See his journal entries, Oct. 25, Nov. 6, 1832, and Wyeth to George Simpson, March 12, 1833.
28. Wyeth to Tucker and Wiliams, March 13, July 1, 1834, *ibid.*
29. Journal entry Sept. 15, 1834, *ibid.*
30. Journal entries Oct. 26, 31, 1834, *ibid.*
31. Journal entries Nov. 10, 11, 18, 1834, *ibid.*
32. Journal entries Nov. 25, 31, 1835, *ibid.*
33. Journal entry Feb. 6, 1835, *ibid.*
34. Fort Hall Account Books, July 31, 1834-Aug., 1837, OHS, Ms. 1198 on microfilm.
35. Wyeth to Governor, etc., Dec. 9, 1836; Wyeth to McLoughlin, Dec. 9, 1836; and Wyeth to Thing, Dec. 9, 1836, Ms. 1198.
36. William Smith, Sec. HBC, to Wyeth, Jan. 9, 1837, *ibid.*

37. Columbia River Fishing & Trading Company ledger, June 18, 1837.
38. George Verne Blue, "A Hudson's Bay Company Contract for Hawaiian Labor," *OHQ*, XXV (March, 1924), 72-75.
39. Clark, "Sawmill," *op. cit.*
40. George Simpson to John McLoughlin, March 1, 1842, HBRS VI: 271.
41. John McLoughlin to Governor, Dec. 4, 1843, HBRS VI: 182. However, he had ordered the Islanders hired without waiting for approval.
42. See HBRS VI: 340-41, statement of Thomas McPherson, April 21, 1842; John McLoughlin to Governor, June 24, 1842, 45, 47; John McLoughlin to Governor, Nov. 20, 1844, 19.
43. "Our Log-Book," excerpt from May, 1849, re: *USS Massachusetts* arrival at mouth of Columbia Samuel C. Damon Ms. 803, OHS.
44. Clark, "Hawaiians in Oregon," *op.cit.*
45. He was not an ordained minister. Hussey, *History of Fort Vancouver*, 182-84.
46. David Greene to Samuel Parker, Feb. 20, 1834; Report of Exploring Tour, June 21, 1837; Samuel Parker to David Greene, May 21, May 30, 1837. Parker Ms. 1206, OHS.
47. Daniel Lee to Rev. N. Bangs, April 8, 1838. Daniel Lee Ms. 1211, OHS.
48. "Statement before the Missionary Board of the Methodist Church in New York in defense of his conduct of the Oregon Mission," July 1, 1844. Jason Lee Ms. 1212, OHS.
49. *Ibid.*
50. A. F. Waller to Amos Cooke, Aug. 25, 1842; H. Campbell to A. F. Waller, Feb. 1, 1844. Alvan F. Waller Ms. 1210, OHS.
51. To the Aborigines' committee of the meeting for sufferings. (In Aborigines' committee meeting for sufferings, Further information respecting the aborigines . . .) London. Ed. March, 1842. Tracts related to the aborigines, No. 8, 9p., typed copy. Herbert Beaver Ms. 372, OHS.
52. See Introduction by Thomas E. Jessett, ed., to *Reports and Letters of Herbert Beaver, 1836-1838* (Portland, 1959), particularly xviff.
53. Herbert Beaver Ms. 372.
54. Jason Lee "Statement," *op.cit.*, Ms. 1212; Daniel Lee Ms. 1211, Henry Perkins to Daniel Lee, Jan. 4, 1839.
55. A. B. Smith to Prudential Committee, April 29, 1839, and Smith to Rev. David Greene, Aug. 31, 1840. Asa B. Smith Ms. 1205, OHS.
56. L. H. Judson to Amos S. Cooke, Aug. 6, 1843. Amos S. Cooke Ms. 1223, OHS.
57. A. B. Smith to Rev. David Greene, Aug. 31, 1840. Smith Ms. 1205.
58. A. B. Smith to Rev. David Greene, Oct. 21, 1840, *ibid.*

59. Narcissa Whitman to Mrs. Stephen Prentiss, Oct. 9, 1840. Whitman Ms. 1203, OHS.
60. Cushing Eells to David Greene, Dec. 10, 1847. ABCFM Letters, Vol. 248; Mission to the Abenaquis or St. Francis Indians, 1844-1858.
61. Judson to Cooke, Aug. 6, 1843. Cooke Ms. 1223.
62. Amos Cooke to A. F. Waller, March 15, 1841, Waller Ms. 1210.
63. Slacum was sent to report on the Oregon Territory in December, 1836, by President Jackson.
64. Henry Perkins to Daniel Lee, Jan. 4, 1839, Daniel Lee Ms. 1211.
65. A. B. Smith to David Greene, Sept. 3, 1840, Smith Ms. 1205.
66. John A. Sutter, *The Diary of Johann Augustus Sutter*, ed. by Douglas S. Watson (San Francisco, 1932), 3; and "Letters of A. Rotchev, last Commandant at Fort Ross, and the Resume of the Report of the Russian-American Company for the year 1850-51," ed. and intro. by Frederick C. Cordes, *California Historical Society Quarterly*, XXXIX (June, 1960), 109.
67. John Minto, "From Youth to Age as an American," *OHQ*, IX (June, 1908), 127-72.
68. H. S. Lyman, "Reminiscences," *OHQ*, IV (September, 1903), 251-66.
69. "Edward Vischer's First Visit to California," tr. and ed. by Erwin G. Gudde, *CHSQ*, XIX (September, 1940), 193-216.
70. "A Scotsman Views Hawaii: An 1852 Log of a Cruise of the *Emily Bourne*," intro. by Edward Joesting, ed. by D. E. Livingston-Little, *Journal of the West*, IX (April, 1970), 196-221.
71. George P. Hammond, ed., *The Larkin Papers* . . . (10 vols., Berkeley, 1951), II:309-10, III:235.
72. *Sen. Ex. Doc. No. 59*, 32 Cong., 1 Sess., 3, 9-25.
73. *Ibid.*
74. Sutter's Diary, 50; also Damon Ms., 803.
75. "California's Bantam Cock: The Journals of Charles E. DeLong, 1854-1863," ed. by Carl I. Wheat, *CHSQ*, VIII (December, 1029),
76. Doris Wright, "The Making of Cosmopolitan California: An Analysis of Immigration, 1848-1870," *CHSQ*, XIX (December, 1940), 323-43.
77. *Ibid.*
78. Robert Ernest Cowan review of *San Francisco Town Journal 1847-1848, William A. Leidesdorff, treasurer, October 7, 1847 to May 2, 1848.* From the collection of Albert Dressler of San Francisco, in the *CHSQ*, V (December, 1926), 405-407.
79. "Minority Report of the Select Committee on Senate Bill No. 63, an act to enforce contracts and obligations to perform work and labor," *Congressional Record*, 50 Cong., 1 Sess., 1888, p. 8225.

80. Richard H. Dillon, "Kanaka Colonies in California," *Pacific Historical Review*, XXIV (February, 1955), 17-23.

81. Harry Gregson, *A History of Victoria, 1842-1970* (Victoria, B.C., 1970), 12; Medford *Mail Tribune*, Mar. 22, 1967.

82. *The Friend*, Feb. 2, 1863.

83. Dillon, "Kanaka Colonies," *op. cit.*

84. Papers of the Provisional and Territorial Government of Oregon, 1841-1859, No. 1634, on microfilm at OHS.

85. Damon Ms. 803.

86. *Ibid.*

87. Samuel C. Damon, *A Journey to Lower Oregon & Upper California, 1848-49* (San Francisco, 1927). The writer was unable to find any official records of these proceedings among the surviving territorial papers at the Oregon State Archives, and including the microfilm of Oregon Territory papers at the National Archives. It seems likely that there never was a "written" decision.

88. 31 Cong., 1 Sess., Feb. 5, 1850, *Congressional Globe*, pp. 412, 1075-80.

89. *Ibid.*, May 28, 1850, pp. 1077-79.

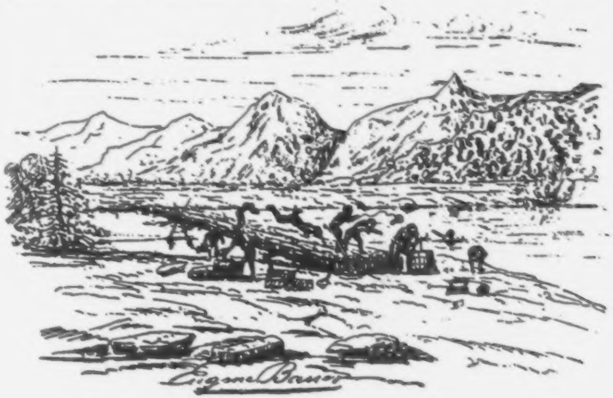
90. *Ibid.*

91. *Ibid.*

92. Clark, "Hawaiians in Oregon."

93. For additional material see Janice K. Duncan, "Minority Without A Champion: The Kanaka Contribution to the Western United States, 1750-1900" (M.A. thesis, Portland State University, 1972).

EARLY in the Spring of '50, a number of Kanakas from the Sandwich Islands came up into the mines; but being of an amphibious nature, they concluded to prospect the bed of the South Fork of the American River. They found a depression in the bed of this river some fifty yards in length and about fifteen feet deep. After a little prospecting, they concluded that there was enough gold in that cavity to satisfy them, and they proceeded to work the same in the most primitive style. They procured a number of empty kegs



KANAKAS MINING ON THE RIVER.

From *The Argonauts of California*, by C. W. Haskins (New York, 1890), p. 77.

4. Royal Hawaiian Band, Payroll Sheets For December 1892, And January, February And March, 1893

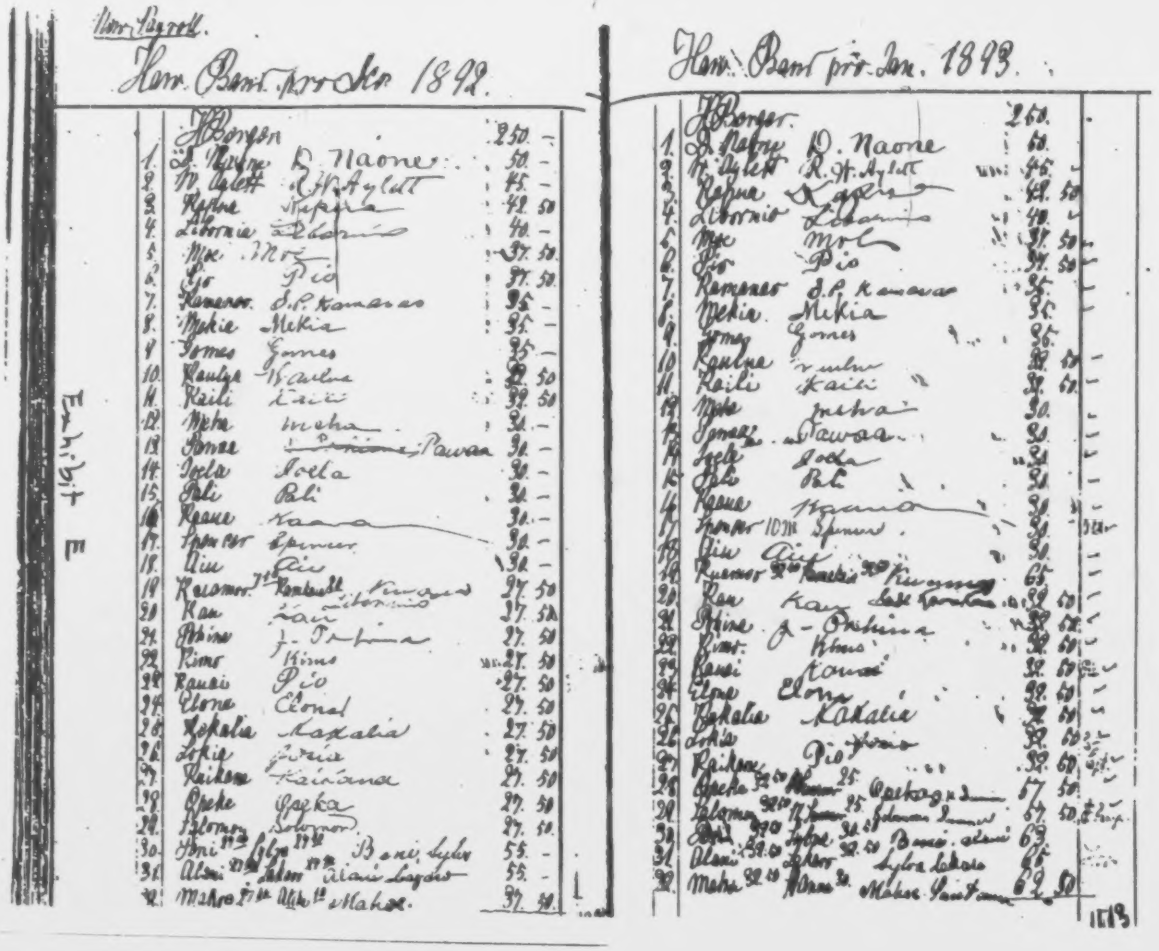


Exhibit E

Hon. Payroll.

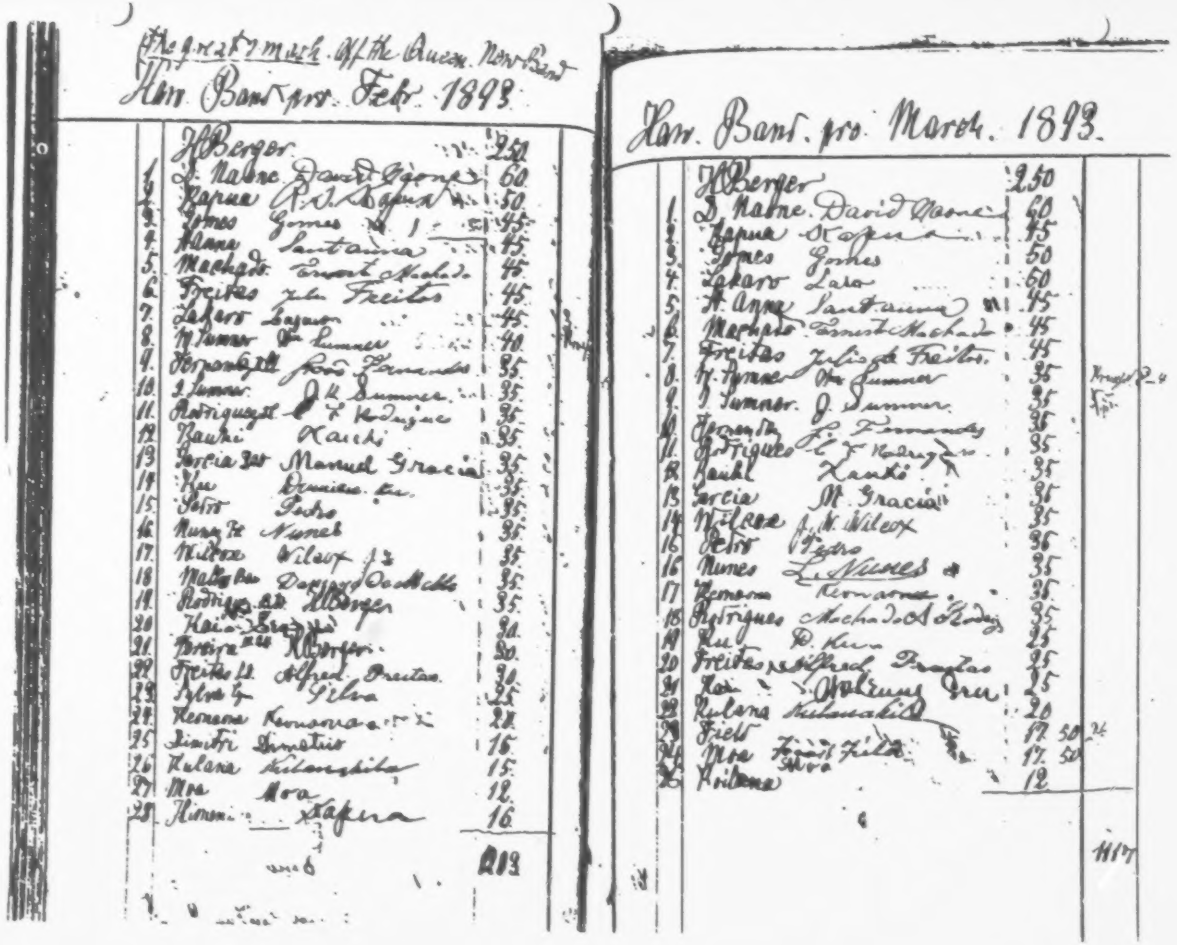
Hon. Bent. pro Okt. 1892.

	H. Borgen		250.	—
1.	D. Naone	D. Naone	50.	—
2.	W. Aylett	R. H. Aylett	45.	—
3.	Kapua	Kapua	42.	50
4.	Liborio	Liborio	40.	—
5.	Moe	Moe	37.	50
6.	Pio	Pio	37.	50
7.	Kamanao	S. P. Kamanao	35.	—
8.	Mekia	Mekia	35.	—
9.	Gomes	Gomes	35.	—
10.	Kaulua	Kaulua	32.	50
11.	Kaili	Kaili	32.	50
12.	Meha	Meha	30.	—
13.	Pawaa	~~[illegible]~~ Pawaa	30.	—
14.	Ioela	Ioela	30.	—
15.	Pali	Pali	30.	—
16.	Kaaua	Kaaua	30.	—
17.	Spencer	Spencer	30.	—
18.	Aiu	Aiu	30.	—
19.	Kaumana 7.50 [illegible]	Kaumana Liborio	27.	50
20.	Kau	Kau	27.	50
21.	Opiina	J. Opiina	27.	50
22.	Kimo	Kimo	27.	50
23.	Kauai	Pio	27.	50
24.	Elona	Elona	27.	50
25.	Kakalia	Kakalia	27.	50
26.	Lokia	Lokia	27.	50
27.	Kaikana	Kaikana	27.	50
28.	Opeka	Opeka	27.	50
29.	Solomon	Solomon	27.	50
30.	Boni 27.50 Sylva 27.50	Boni, Sylva	55.	—
31.	Alani 27.50 Lahoa 27.50	Alani Lahoa	55.	—
32.	Mahoe 27.50 Alapa 10	Mahoe.	37.	50

Hon. Bent pro Jan. 1893.

	H. Borger.		250.		—
1.	D. Naone	D. Naone	50.		
2.	H. Aylett	R. H. Aylett	45.		—
3.	Kapua	Kapua	42.	50	
4.	Liborio	Liborio	40.		—
5.	Moe	Moe	37.	50	—
6.	Pio	Pio	37.	50	—
7.	Kamanao	S. P. Kamanao	35.		—
8.	Mekia	Mekia	35.		—
9.	Gomes	Gomes	35.		
10.	Kaulua	Kaulua	32.	50	—
11.	Kaili	Kaili	32.	50	—
12.	Meha	Meha	30.		—
13.	Pawaa	Pawaa	30.		—
14.	Ioela	Ioela	30.		—
15.	Pali	Pali	30.		—
16.	Kaaua	Kaaua	30.		—
17.	Spencer 10.00	Spencer	30.		—
18.	Aiu	Aiu	30.		—
19.	Kumeo 32.50 Kaneka 32.50	Kumeo [illegible]	65.		—
20.	Kau	Kau	32.	50	—
21.	Opiina	J. Opiina	32.	50	—
22.	Kimo	Kimo	32.	50	—
23.	Kauai	Kauai	32.	50	—
24.	Elona	Elona	32.	50	—
25.	Kakalia	Kakalia	32.	50	—
26.	Lokia	[illegible]	32.	50	—
27.	Kaikana	Pio	32.	50	—
28.	Opeka 32.50 Akana 25.	Opeka [illegible]	57.	50	
29.	Solomon 32.50 [illegible] 25.	Solomon [illegible]	57.	50	
30.	Boni 32.50 Sylva 32.50	Boni. Alani	65.		
31.	Alani 32.50 Lahoa 32.50	Sylva Lahoa	65.		
32.	Mahoe 32.50 Akana 30.	Mahoe [illegible]	62.	50	

1613



The great march off the Queen New Band

Haw. Band pro Feb. 1893.

	H. Berger		250
1.	D. Nahne	David Naone	60
2.	Kapua	R. J. Kapua	50
3.	Gomes	Gomes	45
4.	Alana	Santanna	45
5.	Machado	Ernest Machado	45
6.	Freitas	Julio Freitas	45
7.	Lazaro	Lazaro	45
8.	W. Sumner	Wm Sumner	40
9.	Fernandez	Jose Fernandes	35
10.	J. Sumner	J. K. Sumner	35
11.	Rodriguez	L. F. Rodrigues	35
12	Kauki	Kauki	35
13	Garcia	Manuel Gracia	35
14	Kee	Damian Kee	35
15.	Petro	Pedro	35
16	Nunez	Nunes	35
17.	Wilcox	Wilcox	35
18	Mattos	[illegible]	35
19.	Rodrigues	H. Berger	35
20	Kaia	[illegible]	30
21.	Pereira	H. Berger	30
22	Freitas	Alfred Freitas	30
23	Sylva	Silva	25
24	Kemana	Kemanana	22
25	Dimitri	Dimetrio	16
26	Kulana	Kulanakila	15
27	Mora	Mora	12
28	Himeni	Kapena	16
			1203

Haw. Band. pro March. 1893.

	H. Berger		250	
1.	D. Nahne.	David Naone	60	
2.	Kapua	Kapua	45	
3.	Gomes	Gomes	50	
4.	Lazaro	Lazaro	60	
5.	St. Anna	Santanna	45	
6.	Machado	Ernest Machado	45	
7.	Freitas	Julio Freitas.	45	
8.	W. Sumner	Wm Sumner	35	Kruger 2-4
9.	J. Sumner.	J. Sumner.	35	
10	Fernandez	L. Fernandez	35	
11.	Rodrigues	L. F. Rodrigues	35	
12	Kauki	Kauki	35	
13	Garcia	M. Gracia	35	
14	Wilcox	J. N. Wilcox	35	
16	Petro	Pedro	36	
16	Nunes	L. Nunes	35	
17	Kemana	Kemanana	35	
18	Rodrigues	Machado A. Rodrigues	35	
19	Kee	D. Kee	25	
20	Freitas	Alfred Douglas	25	
21	Kai	[illegible]	25	
22	Kulana	Kulanakila	20	
23	Field		17.50	
24	Mora	Francis Field Silva	17.50	
25	Kailiana		12	
				1117

5. Intelligence Report 22, February 4, 1894 on Kaulana Napua.

Report 22. Feb. 4. 1894. 6. P.M. (1.

67 1/4 Item. Native song of which you wished a copy.

1. Kaulana na Pua o Hawaii,
Kupaa mahope o ka aina.
Hiki mai ka elele o ka lokoino:
Palapala anunu me ka pakaha.
2. Pane mai Hawaii nui o Keawe.
Kokua na hono o Piilani:
Kakoo mai Kauai o Mano.
Paa pu me ke one Kakuhihewa.
3. Aole ae kau kou pulima.
Maluna o ka pepa a ka enemi:
Aole makou ae minamina,
I ka pu-u kala a ke Aupuni:
4. Ua lawa makou i ka Pohaku.
I ka ai kamahao o ka aina.
Palapala anunu kuai hewa.
I ka pono kivila o ke kanaka.
5. Mahope makou o Liliulani:
A kau hou ia i ke Kalaunu.
Haina ia mai ana Kapuana.
No ka poe i aloha i ka Aina.

(Memo. I do not translate this song into English, for with your intimate knowledge of the Hawaiian language you will readily read it for yourself.)

This song was composed by the discharged band-boys of the Hawaiian band to commemorate what their leader, Mr. Berger, told them when they refused to sign the oath of allegiance to the P.G. He said, "what can you do to get a living, you will have to

Exhibit D

eat stones (ai pohaku.)" This expression was taken up and when this song is sung it has the effect on the Hawaiians that the "Marseillaise" has on the French, exciting and exasperating. The tune is nearly like a "hula kui," and I have seen the song danced to, which makes it more exciting to the natives. When sung by the boys last Wednesday night on the anniversary of their discharge, so much of the "hula-kui" business was introduced into the time as to make the words almost concealed to any but to those well acquainted with the native language.

Item. It is the street talk among the natives, (Kika, Rosa, Kuaimoana and others.) that if America does nothing in the way of restoration the Japanese will do the business with the consent of the English government. In the Holomua office they say that England would like to do it but is afraid to get herself mixed up with the Americans in something that might lead to war between them, so she will let the the Japanese do the work, who are very willing and only waiting.

Item The native who works in the Foreign Office as messenger said yesterday morning at the Post Office that the Japs would not wait longer

than the end of the present month before doing (3
something.

627/4 Item. It is the report in the Holomua office that the Chinese under cover of their New Year holiday will meet some where, probably at the thea and discuss the registration act that the commi propose to pass.

Item. The arch-plotter Crowly is trying to prepare a memorial to be used by the Hui Aloha Aina to the English Government, but the questions as to the best form and to whom or how it should be presented are not yet decided. Some say it should be given to Mrs. Dominis for her to see, some say that no notice should be given her in the matter, others say that a committee of two prominent natives should go on to England with it. Crowly says he has had several conversations with such men as Davis and Bob Wilcox about it. He is out to Waikiki today on this business. Will watch him closely and if there is anything done on it will get or make a copy of it for you.

Item. Some of the Hui (the Bush crowd) say: they have been deceived so often by white leaders (referring to the Wilcox programme,) that although it would be a good thing to do by and by still they are afraid to do anything now for fear that it would get out and make a feeling in America against their cause, which they still hold to be good and the ultimate restoration of their Queen a sure thing, as America is becoming so mixed up in the matter that there is no honorable course for her out of the difficulty but that.

Item. When I told Krick that I was going to take a trip this week and would get him some specimens, he invited himself to go with me. I told him I would be very glad of his company. & if the weather is good tomorrow we are off. He will be out of mischief, anyway, with me, and little thinks that every action and word will be taken note of during the journey. Maybe the man M—— can do some other work among the halfwhites where I think his best hold is. Still, if I hear anything more about the Chinese matter tomorrow we will not go until the next week, as I may be useful here. Allow me to suggest that perhaps M—— may also be a useful man among the Chinese this week if word can be got to him in time.

With kind regards for yourself, I remain,

Respectfully Yours.

Washington.

6. Charges Against Robert W. Wilcox, House Report No. 3001, 56th Congress, Second Session, 1901

56th Congress, 2d Session. | HOUSE OF REPRESENTATIVES. | Report No. 3001.

CHARGES AGAINST ROBERT W. WILCOX.

March 1, 1901.—Ordered to be printed.

Mr. Tayler, of Ohio, from the Committee on Elections No. 1, submitted the following

REPORT:

Your committee, to whom were referred the charges preferred against Robert W. Wilcox, a Delegate from Hawaii, present the following report:

The charges against Wilcox divide themselves into three general heads.

First, that he was guilty of bigamy;

Second, that he was guilty of treason against the United States;

Third, that there was no valid election for Delegate from Hawaii.

As to the first of these charges, it appeared that Wilcox, having been married to an Italian lady, sought to obtain a divorce from her, and, under the impression that a valid divorce had been granted to him, married another woman. The most that can be claimed respecting his action is, that under a mistaken view of the law, he assumed that when he contracted a second marriage the first marriage relation had been dissolved. There was no pretense that he undertook to live with two wives at the same time, or to maintain two establishments, or to hold himself out as the husband of two women. Your committee therefore were of opinion that no question of ineligibility was raised, and that this case bore not the slightest resemblance to the Roberts case, which was presented as a precedent. The Delegate from Hawaii was informed of this conclusion of the committee before he was called upon to answer formally to the charges, and for that reason his formal answer does not refer to the charge of bigamy.

In answer to the other propositions, he filed with the committee the following statement:

In the matter of petition affecting Delegate from Hawaii.

In answer to the alleged charges and facts presented to the Elections Committee No. 1 of the House of Representatives the undersigned, Robert W. Wilcox, Delegate from the Territory of Hawaii, submits:

That he is a native Hawaiian; that he shared with the people, native then, loyalty to t[illegible]rmer Queen Liliuokalani during her reign, and was not in sympathy with the [illegible]ing power immediately succeeding her reign.

That after the annexation of Hawaii to the United States he labored earnestly to secure from the United States Congress an organic law for the people of Hawaii, and came to Washington and remained for five months to promote the same. He freely confesses that he did not theretofore understand fully the institutions or the feelings of the United States, but all doubts were dispelled when the Congress gave to the people of Hawaii a splendid system of organic laws, providing as fully as could be for their rights—personal, property, and political—and making them citizens of the United States.

That in common with the people then, he at all times, with genuine patriotism, supported the United States and its institutions, and is now and has been a loyal supporter of the Constitution, laws, and Government of the United States. That on the passage of the said organic law for Hawaii, he, and the citizens of the United States and Hawaii generally, registered as a voter, and he announced his candidacy as a Delegate to Congress from Hawaii, as provided by law. That during his canvass he loyally supported the United States and its Constitution and laws, and no word of his during said time uttered could be otherwise construed. He did during that time hold out the hope that Hawaii, now a Territory of the United States, would some time become a State of the Union. He admits that on January 31, 1899, and on March 8, 1899, he wrote two several letters marked Exhibits B and C in the petition. That said letters were of a personal and confidential nature, and sent to whom he supposed was a friend, and who he thought would not betray his confidence.

This view was justified by the fact that the letters, exhibits, were in aid of him. He further says that said letters were written by him under an entire misconception of the real attitude of the Government of the United States toward the people of the Hawaiian Islands. And his false impressions were entirely dissipated by the action of Congress in enacting the organic law for the Territory, which was passed April 30, 1900, and took effect June 14, 1900.

That under the laws of the United States, at a fair and free election, he was elected as a Delegate from Hawaii to the United States Fifty-sixth Congress, was sworn in as such, and is now performing the duties thereof. That in all respects he is duly qualified as such Delegate, and no reason exists or has existed disqualifying him as such Delegate from Hawaii.

Robert W. Wilcox,
Delegate from Hawaii.

THE CHARGE OF TREASON.

On the 7th of July, 1898, Congress adopted a joint resolution to provide for annexing the Hawaiian Islands to the United States. The organic act providing for a system of government for these islands was not passed until April 30, 1900. Early in 1899, Wilcox wrote several letters to an Italian friend of his in Washington, and one letter of introduction of this friend to certain representatives of the Philippines then in Washington, in which he gave expression to unpatriotic and treasonable propositions. In one of these letters he told the Philippine representatives that he was ready to give his services to their country and ready to obey orders to go to their country and fight for the independence of their people.

Your committee has carefully considered the duty of the House in this relation, and after full discussion and consideration, are clearly of opinion that under the circumstances of the case no action ought to be taken by the House.

Wilcox was one of the adherents of Queen Liliuokalani, and therefore of the "royalist party." Against his will, and in spite of his objection and the objection of his associates, the monarchy was overthrown and a republic created. No doubt this revolution was in the interest of civilization and good government, but the attitude of those who believed in the monarchy and whose government was overthrown was not to be scrutinized with the same care as if those whose conduct was questioned could justly be compelled to show instant allegiance the new governing power.

When, in 1898, the Republic of Hawaii proposed to the United States terms of annexation, which were accepted by the joint resolution of July 7, 1898, it is not strange that those who were opposed to the Republic and hoped for the restoration of the monarchy should be unwilling to yield allegiance to the power which, as it seemed to them, had forcibly assumed jurisdiction of their country. At the time when Wilcox wrote his treasonable letters the only government which the Hawaiian people had was that which the Republic of Hawaii had set up, supplemented by the resolution of 1898, which merely transferred nominal sovereignty to the United States. When in 1900, Congress provided a system of government for the Hawaiian people at once just and generous, by the orderly operation of which the Hawaiian people, on a full and representative vote, elected Wilcox as their Delegate in Congress, it was natural that a revolution in public sentiment should occur.

A Territorial Delegate has no legislative power; he can in no respect influence the legislation applicable to the States; he has no power to be feared, and is indeed merely the agent and spokesman of his people. Such being the case, in view of the changed—the radically changed—political relations between the Hawaiian people and the United States, resulting from the act of April, 1900, we do not think that the conduct of a native of the Hawaiian Islands a year or more prior to the adoption of that organic act, however improper it may have been, abstractly viewed, ought to deprive the Hawaiian people of the Representative whom they have solemnly sent.

THE VALIDITY OF THE ELECTION.

The second objection to the Delegate from Hawaii is that there was no valid election by which he can claim a seat as a Delegate in this House. Technically, this objection has some force. The organic act passed April 18, 1900, has this provision:

> SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii. The times, places, and manner of holding elections shall be as fixed by law. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

It is not clear that the expression "shall be as fixed by law" does not mean, as fixed by the law then in force in the Hawaiian Islands. This organic act reenacts all of the election laws of the Republic of Hawaii, in so far as they are applicable to the conditions then existing, or made to exist, by the organic act itself. Under the Hawaiian system of government the only officials elected were the representatives and senators to the legislature of the Republic. For the election of these senators and representatives full and complete machinery was devised and had been in operation up to the time of the joint resolution annexing the islands. Of course, they made no provision for the election of a Delegate to Congress, nor was any additional legislation had, except that which is contained in section 85 of the act of Congress above referred to. With no machinery of election except that provided by the laws of the Republic of Hawaii and section 85 above quoted, it is claimed that no valid election could be held. In this view we do not concur.

Previous to the election of November, 1900, the proper officers issued a proclamation calling for the election of a Delegate to the United States Congress, as well as for the election of representatives and senators to the Territorial legislature. Separate ballot boxes were provided, tickets were printed, and the whole machinery set in perfect motion for the election of the Delegate to Congress. The same precautions were observed and the same kind of machinery of election provided for the election of Delegate as for representative and senator in the Territorial legislature. Practically all of the people voted, and quite as many voted for Delegate to Congress as for representatives and senators in the Territorial legislature. There was a full and free expression of the popular will, under the theory that the Territory was entitled to send a Delegate to Congress, and as a result of that full and free popular expression, Wilcox was chosen by a considerable plurality. He comes here, therefore, as the agent of his people, chosen apparently under the forms of and with all the solemnity which surrounds the most carefully conducted election, and we think he ought to be permitted to retain his seat as their representative in the capacity of a Delegate.

We are not uninfluenced, in arriving at this conclusion, by a consideration of the fact that the people who send him here are to a large extent unfamiliar with the methods, the policy, and the inspiration, of a free government. They have undertaken to give expression to their desire. Since the organic act, they have, so far as we are advised, shown themselves to be loyal citizens of the American Republic, and we think that when they have thus spoken, their Representative ought to be welcomed as such. If he is not a suitable person to give expression to the wishes and feelings of the people who inhabit those islands, and who are, for all time, to be citizens of the American Republic, they will doubtless discover that fact, and in due time send another.

7. First Legislative Assembly, Territory of Hawaii, 1901
House Journal

The Journal of Proceedings of the preceding day was read and approved.

On motion of Mr. Beckley, seconded by Mr. Mossman, the rules were suspended.

RESOLUTIONS.

Mr. Beckley then introduced a Resolution (H. R. No. 2), reading as follows:

Whereas, it is a fundamental principle of the Constitution of the United States that the legislative, executive and judicial departments of the Government shall be kept separate and independent, and

Whereas, Henry E. Cooper, Secretary for the Territory, is occupying a seat on the floor of this House;

Therefore, Be It Resolved, that the said Secretary, Henry E. Cooper, be and is hereby requested to remove his desk from the House.

Consideration of the Resolution was, on motion of Mr. Makainai, deferred until Saturday morning, February 23rd, as a special order for that day.

REPORTS AND COMMUNICATIONS FROM HEADS OF DEPARTMENTS.

The Speaker then announced that a communication had been received from Col. J. H. Soper, inviting the Members to review the military drill and parade.

The Chair also announced that the Report of the Chief Justice was received and ready for distribution.

Recess was then taken until 1:30 o'clock p. m.

AFTERNOON SESSION.

House of Representatives,
Honolulu, T. H., February 21st, 1901.

The House re-convened at 1:30 o'clock p. m. Mr. Speaker in the Chair.

Mr. Keliikoa, of Kau, Kona and Kohala, a member-elect of the House of Representatives of the First Legislature of the Territory of Hawaii, having arrived and been reported by the Committee on Credentials as entitled to a seat, yesterday's Committee for that purpose was instructed to wait upon the Honorable Chief Justice of Hawaii or other qualified officer and invite him to be present in the House for the purpose of administering the oath of office to said member-elect. The Committee soon returned with the Honorable Chief Justice, who thereupon administered the statutory oath and declared said member-elect had duly qualified as a member of the House of Representatives of the First Legislature of the Territory of Hawaii.

Mr. Makekau, as Chairman of the Committee on Rules, reported progress and asked for further time, to which request there was no objection.

Mr. Beckley then moved, seconded by Mr. Monsarrat, that the following Resolution be adopted and spread upon the Journal of this House:

"On the 12th day of August, 1898, the flag of the United States of America was hoisted over these Islands and the Constitution of the United States, the greatest charter of liberty the world has ever known, extended thus far across the Pacific. Since that memorable day the people of these Islands have assumed to the United States a position of filial obedience and respectful neutrality in regard to American political parties.

"In launching the newly erected Territory of Hawaii upon the sea of time, the Legislature is called upon to give body to the soul and spirit of American institutions by making such modifications in the laws as to render this Territory, in fact as well as in theory, an integral part of the great Union.

"Such being the case, I think it timely and useful to solemnly remind those present and the people throughout the Territory of the great principles lying at the foundation of the Constitution of the United States, the supreme law of the land, and which must ever be our guiding star in our legislative labors.

"There is a tendency in these days in certain circles to believe that individual and class interests should guide advancing humanity, and that the power of the State should be invoked to further purely mercenary motives.

"As a protest against such ideas unearthed from the time of the decline of the Roman Empire, and as the most appropriate manner to honor the greatest American on the eve of the anniversary of his birthday, to show the principles for which he so gallantly fought still live, I move that the Declaration of Independence be read aloud in both the English and Hawaiian languages and be spread upon the Journal."

The motion was carried, and the Declaration of Independence was read by the Clerk in English, and by the Interpreter in Hawaiian.

THE DECLARATION OF INDEPENDENCE—1776.

In Congress, July 4, 1776.

The unanimous Declaration of the Thirteen united States of America,

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinion of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till

his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws of Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us.

For protecting them, by mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Government:

For suspending our own Legislature, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethern, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence They too have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest o mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances ,establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The House then, on motion of Mr. Dickey, stood adjourned until Saturday at 10 o'clock a. m.

S. MEHEULA,
Clerk.

Approved:

JOSEPH A. AKINA,
Speaker.

THIRD DAY.

House of Representatives,
Honolulu, T. H., February 23d, 1901.

The House came to order at 10 o'clock a. m., pursuant to adjournment.

Hon. J. A. Akina, Speaker, presiding.

Prayer by Chaplain Kamoku.

Roll Call:

Present—Messrs. Ahulii, Aylett, Beckley, Dickey, Emmeluth, Ewaliko, Gilfillan, Haaheo, Hihio, Hoogs, Kaanwai, Kanimakaole, Kaniho, Kawaihoa, Keiki, Keliikoa, Kumalae, Mahoe, Makainai, Makekau, Monsarrat, Mossman, Nailima, Paele, Prendergast, Puuki, Robertson, Wilcox and Mr. Speaker—29.

Mr. Monsarrat moved that the Honorable J. K. Kekaula, a member-elect of the House, be sworn in. Carried.

8. First Legislative Assembly, Territory Of Hawaii, 1901
Journal Of The Senate

FIRST LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF HAWAII.

JOURNAL OF THE SENATE.

THIRD DAY.

Saturday, February 23rd, 1901.

The Senate met at 10 a. m., pursuant to adjournment. All the Senators were present. Prayer was offered by the Chaplain. The Senate Journal of the previous day was read.

Senator (C.) Brown suggested that the Journal did not show that W. H. Coney had been declared elected Assistant Secretary, and correction was made by adding the words "and W. H. Coney, upon vote duly taken, was declared elected."

Senator Carter suggested that the Journal was erroneous in that it recited that the motion to lay the resolution offered by Senator White (with reference to directing the Secretary of the Territory to provide suitable chamber for the Senate) on the table was made by Senator Achi, when as a matter of fact it had been made by Senator (C.) Brown. Senators (C.) Brown and Achi sustained the Journal and Senator Carter withdrew his suggestion.

Senator Carter suggested that the minutes of the session of the second day did not show an adjournment of ten minutes for the examination of the credentials of Senators Baldwin and Paris. That portion of the Journal was reread, found correct, and the suggestion of error withdrawn by Senator Carter.

Senator Baldwin suggested that the Journal be read in the Hawaiian language. Senator Carter requested that the prayer by the Chaplain be also translated.

The President declared the motion of Senator Carter to be out of order, the matter of the approval of the Journal being before the House, and directed that it be read in Hawaiian; which was done accordingly.

Senator Kaine moved to expunge from the Journal the proceedings of the temporary organization, which motion, the President declared, could not be entertained.

Senator Kaine suggested that hereafter, in considering the Journal, the communications, resolutions and similar matters should be omitted from the reading.

The President stated that, unless objection were made, such course would be pursued.

The President announced a communication from the lower House, which was read by the Clerk, as follows:

Legislature of the Territory of Hawaii, in the House of Representatives, February 20th, 1901.

To the Honorable President and Senate of the Territory of Hawaii:

By instruction of the House of Representatives, I hereby respectfully notify your Honorable body that the House of Representatives of the Territory of Hawaii is duly organized and prepared to transact business, and that the duly elected officers thereof are as follows:

Speaker	Hon. J. Apukai Akina,
Vice-Speaker	Hon. F. W. Beckley,
Clerk	Solomon Meheula,
Sergeant-at-Arms	J. K. Nakookoo,
Chaplain	Rev. J. N. Kamoku,
Interpreter	John H. Wise,
Messenger	J. P. Kahahawai,
Janitor	Chas. Hanapi.

I have the honor to be, very respectfully,

S. MEHEULA, Clerk of the House.

On motion of Senator (C.) Brown the communication from the House of Representatives, of February 21st, relating to a committee to wait upon the Governor, be taken from the table; the motion was seconded by Senator Crabbe and carried.

A motion by Senator Carter, seconded by Senator (W.) White, that a committee of three be appointed to confer, and act in conjunction, with the committee of the lower House, was adopted, and Senators (C.) Brown, Carter, and (J.) Brown were appointed such committee.

Upon motion of Senator (C.) Brown the Clerk was directed to notify the House of Representatives of the appointment of the Senate committee.

At 11:15 a. m., the Senate took a recess until one o'clock.

AFTERNOON SESSION.

The Senate was called to order at 1 p. m. All the Senators present, except Senator Achi.

Senator (C.) Brown reported, verbally, on behalf of the committee appointed by the Senate to wait upon the Governor, in conjunction with the committee of the House of Representatives, that the joint committee had waited upon the Governor and were advised by him that he would transmit his message soon after one o'clock. Senator Brown moved that his verbal report be accepted. The motion was seconded by Senator White, and carried.

Senator White moved that the Declaration of Independence be read, and was speaking to his motion when the President announced a message from the Governor, which was then read by the Clerk, as follows:

A MESSAGE TO THE LEGISLATURE OF THE TERRITORY OF HAWAII.

The Act of Congress providing a government for the Territory of Hawaii completed the process of annexation, begun with the Hawaiian acceptance of the joint resolution of Congress for the union of the Hawaiian Islands with the United States of America.

The period between such acceptance, on the 12th day of August, 1898, and the going into effect of the Territory Act on

Island of Maui and Molokai—

Lahaina, Estimated Cost for District	1,300.00
Wailuku, Estimated Cost for District	8,100.00
Makawao, Estimated Cost for District	7,400.00
Hana, Estimated Cost for District	5,200.00
Molokai, Estimated Cost for District	1,500.00

Island of Oahu—

Estimated Cost for Outer Districts	16,800.00
Honolulu, Estimated Cost for District	92,000.00

Island of Kauai—

Waimea, Estimated Cost for District	2,700.00
Koloa, Estimated Cost for District	6,900.00
Lihue, Estimated Cost for District	5,800.00

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147,000 0

Upon suggestion of Senator White the message was interpreted.

Senator Baldwin moved that the Clerk be instructed to have the Governor's message translated and printed, both in the English and Hawaiian languages. The motion was carried.

Senator (C.) Brown moved that in order to afford time for the committee on rules to complete its labors, that the Senate adjourn. Senator White claimed to have the floor. The President decided that as Senator White had the floor at the time the Governor's message was received, and had given way to it, ~~he was now entitled to the floor.~~

Senator White renewed his motion, as follows:

August 12th, 1898, the flag of the United States of America was hoisted over these Islands and the Constitution of the United States, the greatest charter of liberty the world has ever known, extended thus far across the Pacific.

"Since that memorable day, the people of these Islands have assumed toward the United States, a position of final obedience and respectful neutrality in regard to American political parties. In launching the newly erected Territory of Hawaii upon the sea of time, the Legislature is called upon to give body to the soul and spirit of American institutions by making such modifications in all laws as to render this Territory in fact as well as in theory an integral part of the great Union.

"Such being the case, I think it timely and useful to solemnly remind those present and the people throughout the Territory of the great principles lying at the foundation of the Constitution of the United States, the supreme law of the land, and which must ever be our guiding star in our legislative labors.

"There is a tendency in these days, in certain circles, to believe that individual and class interests should guide advancing humanity and that the powers of the state should be invoked to further purely mercenary motives.

"As a protest against such ideas, unearthed from the time of the decline of the Roman Empire and as the most appropriate manner to honor the greatest American whose anniversary of birth we celebrated yesterday to show that the principles for which he so gallantly fought still live, I move that the secretary be instructed to read the Declaration of American Independence aloud in both the English and Hawaiian languages and spread it upon the journal of this house.

The motion was seconded by Senator Nakapaahlu and adopted.

Senator Carter requested to be excused. The request was granted by the President, and the Senator retired.

Senator (C.) Brown made, and Senator Paris seconded a motion to dispense with the reading of the Declaration of Indeependence was read by the Clerk in English, and by the Interpreter in the Hawaiian language, as follows:

DECLARATION OF INDEPENDENCE.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of Nature and Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that government's long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a desire to reduce them under absolute despotism, it is their right, it is

the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless these people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of the public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasion on the rights of the people.

He has refused for a long time after such dissolution to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the peopl at large for their exercise, the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States, for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land. He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent upon his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harrass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our Legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them by mock trial from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our government:

For suspending our own Legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts by their Legislature to extend an unwarranted jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity.

We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and by right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do.

And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

New Hampshire—

JOSIAH BARTLETT,
MATTHEW THORNTON,
WILLIAM WHIPPLE,

Massachusetts—

JOHN HANCOCK.
SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Delaware—

CAESAR RODNEY,
GEORGE READ.
THOMAS M'KEAN.

Maryland—

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL,
of Carrollton.

Rhode Island—

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut—

ROGER SHERMAN,
WILLIAM WILLIAMS,
SAMUEL HUNTINGTON,
OLIVER OLCOTT.

New York—

WILLIAM FLOYD,
PHILLIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

Georgia—

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

New Jersey—

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINS,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania—

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Virginia—

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAKTON.

North Carolina—

WILLIAM HOOPER,
JOSEPH HOWES,
JOHN PENN.

South Carolina—

EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

On motion of Senator (C.) Brown, the Senate adjourned, at 3.20 p. m., until Monday, February 25th, at 10 a. m.

EDGAR CAYPLESS, Clerk of the Senate.

Approved by the Senate:

NICHOLAS RUSSEL, President of the Senate.

9. Congressional Record Index, 56th Congress, 2nd Sess. 1901
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10. The Call Of Legitimacy And Tradition.

Submitted by Kenneth Smalley
P.O. Box 1106, Haleiwa, Hawaii 96712

THE CALL OF LEGITIMACY AND TRADITION

The vital element of traditional authority, currently spiritual, of the most paramount indigenous chief is an integral, but largely neglected and misunderstood part of authentic Hawaiian culture.

If one would preserve this heritage of supreme spiritual authority, and thus uphold its charter of antiquity and sanctity, and fill the integrative, cohesive, and cooperative needs of Hawaiian culture, then the call of legitimism and tradition on the Hawaiian people is an indispensable consideration.

Thus, this paper traces the bases for authority, spiritual or temporal, and hence, royal legitimacy, beginning with the founding in conquest of the monarchy by King Kamehameha I through the overthrow of Queen Liliuokalani in 1893.

It finally shows how a remnant of indigenous, culture-validating, spiritual authority survives in royal ceremonial figures at the center of ritual life today, as carriers of tradition and healing symbols of unity, who, in exercising their cultural birthrights, have the potential for bringing order to chaos, and promoting greater culture awareness and solidarity.

Let us begin with a concept embraced by devotees of traditional Hawaiian religion that survives to this day among many Native Hawaiians, which is that of the aumakua. The aumakua concept, linked with spiritism, totemism, mana and the belief in the influence of the Dead over the Living, appears to have been etched in the Native Hawaiian unconscious when the arrival of Captain Cook was reportedly greeted with joyous shouts:

> Now our bones shall live; our aumakua has come back. These are his tabu days and he has returned![1]

On a small scale, aumakua may refer to that defunct elder or ancestral guardian spirit who ministered to a single family in a reciprocal bond of mutual obligations for the benefit of the family.

While on a national scale, the aumakua relationship may also refer to that reciprocal bond of mutual obligations between the people(beneficiaries) and the person or persons of the very highest chiefly rank and sanc tity, namely the alii kapu.

The alii kapu's power was derived from his or her identification with the great culture heroes and venerated royal ancestors of the race, according to principles of

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[1] Samuel M. Kamakau, Ruling Chiefs of Hawaii(Honolulu:Kamehameha Schools Press, 1961), p. 98.

Kenneth Smalley © 1984

May 5, 1984

The Committee on Energy and Natural Resources
of the United States Senate and,
The Committee on Interior and Insular Affairs
of the United States House of Representatives

Gentlemen:

Before I began teaching on the Mainland, in fact, while still in college, I began a study of Native Hawaiian culture. Then, for many years my research continued as I lived, on and off, in Hawaii, where I was dismayed to learn how few Hawaiians really knew their indigenous culture among the people I met. Sadder still, the young Hawaiians I met apparently viewed and judged their own culture through Western eyes.

Unfortunately, in both volumes I and II of the Native Hawaiian Study Commission's Report on the culture, needs and concerns of Native Hawaiians, some very significant aspects of indigenous Hawaiian culture(such as the reciprocal bond between the chiefs and their people) remain largely a "buried" area.

So, with the assistance of others in organizing and updating my former study in a coherent form, I am able to make this contribution to the understanding of THE CALL OF LEGITIMACY AND TRADITION on the Native Hawaiian people, in shedding light on this neglected area for the record.

Respectfully Submitted,
Kenneth Smalley
KENNETH SMALLEY
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96712

genealogical seniority. The alii kapu was regarded to be by inherent birth the closest link to ancestral guardian spirits in a sacred history of the Hawaiian race leading back through its cosmogonic origins to Divinity.

Thus, in religious terms, the alii kapu served as an intermediary or bridge between the Living and the beneficient Deceased who once ruled the realm. As it were, the alii kapu was the royal or chiefly elder of the race with the right to represent ancestral authority.

Backed by a warrant or charter of antiquity and sanctity, the living alii kapu would alone rightfully exercise the ministry of supreme administrator in spiritual matters, not merely in presiding over birth ceremonies, consecration of temples etc., but in validating the rites, institutions, or social norms of traditional Hawaiian culture.

Hence the presence of the alii kapu or by proxy the alii kapu's deputies, was essential for the most sacred ceremonies, so great was the call of tradition and legitimacy on the Hawaiian people.

And if the alii kapu were a woman armed with the "prescriptive or constitutional right" to rule,[2] instead of becoming a prisoner of state, she might, in the interest of peace, security and stability, be united with the line of a conquering king by marriage.

Thus did Harieta Keopuolani, the highest recognized chiefess of the Hawaiian Archipelago, become the great royal wife of Kamehameha I.

Interisland warfare as a constant preoccupation ended after Kamehameha I firmly established the Hawaiian Kingdom by right of conquest. Kaumualii, a rival king, through negotiation, ceded his territory of Kauai and Niihau to the conquerer as a tributary kingdom during Kaumualii's lifetime. Upon his decease, Kamehameha's son, Kamehameha II, became the successor to this territory, which merged with the Hawaiian Kingdom.

Kamehameha I, in consolidating his empire, which became the territorial basis for ensuing claims to kingship, established a centralized and unified government, and redistributed the land among his family and supporters. Subsequently, governors would be appointed over the four principal islands of the archipelago.

Since conquest superceded prior titles to kingship, Kamehameha I RESTRUCTURED the system of chiefly rank to fit the new order. The basis for the right to rule the *entire* archipelago was now vested in the Kamehameha lineage allied with those state wives of Kamehameha I who were of the highest recognized chiefly rank in the realm.

King Kamehameha I's absolute authority was counterbalanced by the Council of Chiefs(then, an advisory body),the nucleus of which were the four Kona chiefs: Keaweaheulu; Kamanawa; Kameeiamoku and Keeaumoku, counselors and loyal supporters of

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[2] Abraham Fornander, *An Account of the Polynesian Race* V. II(Rutland, Vermont: Charles E. Tuttle Co., 1973), p. 64.

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Kamehameha in the conquest wars,[3] and now functioning as his cabinet, as it were.

To stabilize his government, Kamehameha I made the Chiefess Keopuolani of the highest rank and sanctity in the realm, his great royal wife, merging the administrative and sacred phases of royalty through marriage. This union produced three surviving heirs of unimpeachible sacred rank to the throne: the two sacral kings Kamehameha II and III, and the sacral Princess Nahienaena. According to John Papa Ii:

> Liholiho Kamehameha II was the most kapu of chiefs because he had inherited kapu from both sides. He inherited kapu moe [prostration] from his mother and the kapu noho [sitting] from Kamehameha, his father.[4]

Indeed, all three offspring in this next generation of alii kapu with the highest prerogatives of sanctity superceded, for example, Kamehameha's older son(Kahoanuku Kinau) and daughter(Maheha Kapulikoliko)[5] by another wife(Peleuli Kekela), as regards the royal succession.

The state wives next in rank to Queen Keopuolani were the three sisters, Queen Kaahumanu, Queen NamahanaII and Queen Kalakua(alias Kaheiheimalie). The latter produced by Kamehameha I, a daughter, Princess Elizabeth Kinau, who would become the mother of Kamehameha IV, V and Crown Princess Victoria Kamamalu.

As we shall see, subsequent genealogical priorities for kingship, recognized by the Hawaiian government are traceable to the above framework, basis or core, established by the conquerer, Kamehameha I.

The next consideration is the effect religious reform or innovation had on the monarchial system. Kamehameha I died 1819 and was succeeded by his son, KamehamehaII, who continued his father's unification and reorganization of the island group in process of state formation, for which prior kingdoms may well have served as microcosmic models.

For the emergence of statehood, consolidation of state power was vital. The kapu system had heretofore served as a reinforcer of political authority. This was a system of religious law that classified things as either sacred(kapu) or nonsacred(noa) and regulated all activity with proscriptive rules of etiquette, violations of which were often punished by death.

The historian, Kamakau, indicates, however, that the kapu system and the personal kapu of the alii or paramount chiefs were separate and distinct.[6] both were rooted in the cosmogonic origins of Polynesia leading back to Divinity. But the kapu system served as a reinforcer for personal kapu, which was a prerogative of birth and an indicator of chiefly rank.

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[3] Ibid. p.132

[4] John Papa Ii, Fragments of Hawaiian History Trans. Mary K. Pukui, Ed. Dorothy Barrere(Honolulu: Bishop Museum Press,1959), p.51.

[5] Lucy G. Thurston., Life and Times of Mrs. Lucy G. Thurston(Ann Arbor: Andrews, 1882), p. 88.

[6] Kamakau, p. 223.

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At the decease of Kamehameha I up to the transfer of power to Kamehameha II, this transitional period by tradition was one of suspension of the kapu laws. After succeeding to the throne, however, Kamehameha II, who had heard of the successful overthrow of the kapu system in Tahiti, made known his decision not to reinstate the kapu. He did this in collaboration with the dowager queens Kaahumanu and Keopuolani and the high priest Hewahewa-----all of whom would appear to have the least to gain by such action, which involved the burning down of large temples, idols and ritual paraphernalia, and the dismissal of the institutionalized priestly orders.

This abolition of the kapu system removed the constraints on government of Hawaiian religion as the formal state religion, and revoked all authority of the institutionalized priesthoods to sanction mandates to rebel, thereby facilitating the consolidation of political authority in process of state formation in the interest of peace, security and stability.

But, Kekuaokalani, reportedly a relative of both Queen Kaahumanu and Kamehameha II, as custodian of the sacred relic, Kukailimoku, and next in succession to the high priest Hewahewa, objected to the overthrow of kapu laws and challenged the authority of government.

During the installation of Kamehameha II, the Queen Kaahumanu had reportedly announced that adherents to the old kapu could do as they pleased:

> But as for me and my people, we intend to be free from the tabus.[7]

Kekuaokalani would accept nothing less, however, than full reinstatement of the kapu system as the formal state religion. When conciliatory overtures from government failed, civil war broke out between government forces and Kekuabkalani and his followers, who were defeated in the Battle of Kuamoo. The fact of their defeat and destruction signaled the rejection of the belief in the efficacy of religious sanctions on government.

The kapu system which had served to glorify the alii and reinforce their privileges, involved their exclusive worship in the large temples, so that the abolition of the kapu system was a reform or innovation that freed women chiefs, commoners, and the outcaste(kauwa) caste from the oppressive burdens of kapu.

After this clash between and final separation of church and state, however, the vital aspects of Hawaiian religion, which the people had embraced all along, still remained intact: Pele worship(was widespread); veneration of tombs; the cult of domestic(aumakua) worship; healing rituals and therapeutics, etc. flourished.

And while Hawaiian religion was thus reformed or suppressed to fit the new social reality due to increasing contact with the outer world, the existence of guardian spirits and the cosmogonic origins leading back to Divinity were never questioned. As the story of Kawelo illustrates, in and of itself, the act of destroying images without mana need not be sacreligious.[8]

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[7] William D. Alexander, "Overthrow of the Ancient Tabu System in the Hawaiian Islands". Twenty Fifth Annual Report of the Hawaiian Historical Society for the Year 1916, (Honolulu: Paradise of the Pacific Press, 1917), p.40.

Meanwhile, in the secularized but strengthened new order, shorn of religious sanctions, sacred Queen Keopuolani appears to have retained her status as alii kapu of the highest rank and sanctity, though violators of etiquette in her presence would no longer forfeit their lives. And as John Ii points out, the "kapu wohi",for example, of Kamehameha I continued to be passed down to succeeding kings of the dynasty.[9]

However, with the removal of hindrances to state formation and with the political charter intact, power could now be more readily apportioned among chiefs of rank on the basis of loyalty and competence, and the succession would be completely hereditary, that is, derived from conquest and vested in the Kamehameha lineage, which converged with the line of Queen Keopuolani to produce Kamehameha II and Kamehameha III, and with the line of Queen Kaheiheimalie to produce Princess Kinau, mother of Kamehameha IV and Kamehameha V.

The succession vested in the Kamehameha lineage would be authenticated by the Council of Chiefs with procedures regulated by common law tradition. In 1823 King Kamehameha II nominated with the assent of the Council of Chiefs, his younger brother, Kauikeaouli, to be his successor. And when Kamehameha II died in 1824, Kauikeaouli was duly constituted Kamehameha III, by way of reconfirmation by the Council of Chiefs.[10]

Like his predecessor, Kamehameha III met, with faith that righteousness would prevail, the errosiveness of puritan concepts and ideology on traditional Hawaiian kingship, as well as the increasing pressures of foreign interests and even threats of a foreign takeover during his long reign.

In 1840 King Kamehameha III, the last alii kapu and absolute monarch, and thus the rightful spiritual and temporal authority of the realm, founded the constitutional monarchy of Hawaii. To do this, he voluntarily granted his people the democratic constitution of 1840, followed by the more refined democratic constitution of 1852. The latter established a model for all subsequent constitutions of the realm, which were revisions.

In founding the constitutional monarchy, Kamehameha III apparently drew upon the framework for royal and paramount chiefly descent from the absolute monarchy, and also established a succession system. with strict adherence to the prescribed requirements of common law tradition.

The constitution of 1840 provided that the chiefs of the realm with whom Kameha-

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[8] Samuel H. Elbert, "The Chief in Hawaiian Mythology". Journal of American Folklore, v. 70(July/September 1957): 274.

[9] Ii, p. 52.

[10] Ralph S. Kuykendall, The Hawaiian Kingdom V. I(Honolulu: University of Hawaii Press, 1968), p. 78; p. 119.

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meha III consulted "to promote unanimity" shall sit in all government councils.[11] In the early 1840's the "Privy Council" was the old Council of Chiefs, which became the House of Nobles.

This constitution provided for the hereditary succession of the direct heir of the king's body lawfully begotten. Failing this, the successor would be the king's nominee subject to the approval of the chiefs or nobles. Their choice would be limited by common law tradition. But, historically, if the nominee should not be accepted by the chiefs, this was a signal for war.

Kamehameha III, whose own children, Keaweaweula I and II, by his consort died in infancy, ignored the claim of his reputed son, Albert Kunuiakea, who died without issue in 1903. Instead, Kamehameha III adopted his nephew, Alexander, a grandson of Kamehameha I and the state wife, Queen Kaheiheimalie. Alexander was later, with the assent of the chiefs or nobles, proclaimed successor to the throne in 1853.[13]

Since the rejection of a nominee was historically a signal for war, the three Estates of the Realm, during this formative period of the constitutional monarchy, made provision against a failure in the appointive procedure and the chaos of jealous rivalries for the throne.

In so doing, the Estates of the Realm sanctioned certain pre-emptory rights in the interest of a safe and secure throne, as well as to quiet men's minds and remove doubts regarding the succession.

Combining heredity and choice, provision was made with the concurrence of the Crown on the failure of duly proclaimed successors by reserving the inheritance of the kingdom to a pool of royals with superior eligibility for the throne.

Article 25 of the constitution of 1852 states:

> The kingdom is permanently confired to Kamehameha III and his heirs, and his heir shall be the person whom he and the chiefs shall appoint during his lifetime, but should there be no appointment, then the decision shall rest with the chiefs and House of Representatives.[14]

In 1839 Kamehameha III and the Chiefs of the Realm sponsored a select family-style boarding school exclusively for children entitled to the throne, which by an act of 1846(of a series of enactments to organize the executive ministry) was designated the Official Royal School.

And on June 29, 1844, Kamehameha III in accordance with the advice of the chiefs in council, recognized specifically the FIRST RIGHTS TO THE THRONE of a group of pre-emptory successors over rival claims in the absence of a constitutional appointment

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[11] Robert C. Lydecker, Roster Legislatures of Hawaii(Honolulu: Hawaiian Gazette Co, Ltd., 1918), p. 12.

[12] Kuykendall v. I, p. 262.

[13] The Polynesian, April 9, 1853.

[14] Lydecker, p. 10.

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of a successor.

Fifteen royal children were thus proclaimed:

PRINCES AND CHIEFS ELIGIBLE TO BE RULERS

The roster of eligibles started at the left with Prince Alexander Liholiho, heir apparent, and ended at the right with Princess Elizabeth Kekaaniau.[15] By 1845 there were 16 royal students, and by 1847 a complete list was published in the Polynesian, the official government journal:[16]

Moses Kekuaiwa
Alexander Liholiho
James Kaliokalani
David Kalakaua
Lot Kamehameha
William C. Lunalilo
Peter Y. Kaeo
William Kinau Pitt

Jane Loeau
Abigail Maheha
Mary Paaaina
Lydia Kamakaeha
Bernice Pauahi
Elizabeth Kekaaniau
Emma Rooke
Victoria Kamamalu 16

As regards their respective relationships to Kamehameha I, the conquerer, in whose lineage was vested the right to rule the entire island group, the selection of these royals, authenticated by the king and chiefs, appears to have been based on the system established during the absolute monarchy and regulated by common law tradition. Traced as direct ascendants were:

1)Kamehameha I and the state wife, Queen Kaheiheimalie-

by Alexander, Lot, Moses and Victoria

2)Kamehameha I's half brother, Prince Kaleimamahu and the state wife, Queen Kaheiheimalie-

by William Lunalilo

3)Kamehameha I's full brother, Prince Kealiimaikai-

by Emma, Peter, and Mary(alias Polly).

4)Kamehameha I's eldest half brother, Prince Kalokuokamaile and (by adoption) the state wife, CoRuler and Regent, Queen Kaahumanu-

by Elizabeth

5)Kamehameha I-

by William Pitt(alias John Kinau), and Bernice(adopted by Kamehameha I's daughter, Kinau).

6)Cousins of Kamehameha I, who were his counselors and allies in conquest, Keaweaheulu and Kameeiamoku-

by James, Lydia, and David(their youngest sister, Kaiminaauao, was adopted by Kamehameha III, Lydia was adopted by Konia, mother of Bernice. Their youngest brother, Leleiohoku, was adopted by Ruth, mother of William Pitt Kinau.

7) Kamehameha Nui(uncle of Kaahumanu)-

by Jane,[17] reputed grandaughter of Kamehameha I and her half sister, Abigail,

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[15] The Polynesian, July 20, 1844.

[16] Ibid., January 9, 1847.

[17] The Nuhou, August 12, 1873; Pacific Commercial Advertiser, August 2, 1873.

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who was adopted by Miriam Kekauonohi, grandaughter of Kamehameha I.

Each of these royals eligible for the succession was a person in whom various branches of ranked genealogical lines converged, and whose specific title to the throne by conquest and inheritance was,thus, formally recognized by government.

In a graded order of alii(catch-all term for chiefs), the "Alii of the Realm" was above a high chief. He was a recognized great alii or paramount in chiefhood, a "Chief entitled to rank".[18]

The royal students, though royals and chiefs of the highest rank with superior eligibility for the succession, were still of mixed rank among themselves. Some like Lunalilo, were clearly special with pre-emptory claims by birth over others. Others, like Kalakaua, had perhaps just enough rank to be there.

Their specific titles to the throne had been confirmed by the king with the formal assent of an electoral college of chiefs in council, each with a duty and ancestral right of selection.

With the creation of the executive departments and the designation of the Royal School, the Minister of Public Instruction, in the capacity of principal of the school and ex officio guardian of the royal students, saw to it, as an agent of the Crown, that the Royal School fufilled the "objects and considerations" of its charter.[19]

Through a continuing selective process in this school mandated to groom future monarchs, the royal students would be screened for suitability as "stirps" of new royal lines, while their progress was monitored by the three Estates of the Realm. The king and chiefs, of course, took a keen interest in the royal school and approved of its curriculum and policies.

If the admission's policy had been open to lesser(subordinate chiefs) in the alii stratum, they would probably number at least 100. But in the continuing process of selection, the choices had been narrowed down to certain ones who fufilled the first necessity of being of the "highest chief class" in the realm,[20] to meet the prescribed requirements of common law tradition by possessing an undeniable right to the throne.

Screened first for their formally recognized titles to rule the entire island group, they were also screened for personal qualities and the demonstrated faculty to rule. At length they would meet the demands of civilized powers for constitutional monarchs in the brotherhood of world rulers as well.

So that, much more than a class, they would have special competencies, personal

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[18] The Kalakaua Legends make the "niau-pio" the highest chiefly caste in ancient times. But the Native Historian David Malo would make two other classes, the "pio" and the "naha" higher in sanctity and rank, apparently taking the position that a "pio" or "naha" chief was also a "niau-pio, while the latter stood alone.

[19] Statute Laws of His Majesty Kamehameha III(1845-47), Chapter IV, Sec. I, p. 212.

[20] Report of the Minister of Public Instruction read before His Majesty to the Legislature, April 1850(Honolulu: The Government Press, N.D.), P. 25.

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attributes and skills considered appropriate for contingent monarchs. The Minister of Public Instruction concludes in his report to Parliament:

> . . . when time and firm moral and religious sentiment shall have put the finish on their characters, there will then be nothing wanting to make them all that a nation can desire or want in Rulers.21

The design of the Royal School curriculum suggests, however, that apart from a sprinkling of British monarchial principles and field trips to Parliament, that fitness for the roles of future monarchs was hardly perceived in terms of a mastery of the mechanics of government and certainly not of military science in this tiny kingdom.

Rather, the priority for royal fitness was apparently perceived in terms of the future monarch's RECOGNIZABILITY by the standards of the modern world. Hawaii, realizing the threat of imperialism, had just been accepted in the Family of Nations of the modern world, in its bid for recognition by the Super Powers.

For such pre-emptory heirs to the throne, authenticated by the king and chiefs, appropriate values, discipline, unimpeachable conduct and loyalty to the monarch's compact with the people, the existing constitution, would be minimally required to command the respect needed to maintain Hawaii's new order.

Each new monarch's obligations would include maintaining Hawaii's improved international position, if not actually negotiating her independence or safeguarding it from a foreign takeover. Thus, these eligible royals would need the ability to deal diplomatically with foreign powers in forms, customs and terms recognizable by them.

To be held fit to rule, these future monarchs would in fact become accomplished, literate, articulate ladies and gentlemen with powers of oration. They would demonstrate, also, the ability to mingle easily with sovereigns of the modern world, and to be recognized by them, they would possess that level of personal cultivation befitting the sovereign of a civilized nation.

Amos S. Cooke, who managed the Royal Boarding School, in a letter to Rev. Rufus Anderson echoes this emphasis on coping with foreigners, if not the pressures of foreign interests:

> Our scholars are frequently reminded that if they hope to have the pre-eminence of the Islands, they must be prepared in intellect to contend with foreigners, otherwise, the foreigners will have the superior influence.22

Screened and groomed for constitutional kingship according to valid criteria, each royal student from then on had a prior right to rule over any rival claimant unless waived in the latter's favor.

As a result, these selected few with first rights to the throne formed a pool

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[21] Ibid., pp. 51-52.

[22] Amos S. Cooke to Rufus Anderson, December 12, 1846, A.B.C.F.M.- Hawaii Papers, Houghton Library 1820-1900, Hawaiian Mission Children's Society.

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of pre-emptory heirs from which the new monarchs of Hawaii would be drawn by the electoral body in default of a constitutional appointment of a successor.

On the failure of the appointive procedure, a kind of dynastic election would serve as the next step in sorting out the blood royals, who derived the right to rule the entire archipelago from the conquerer, Kamehameha I, as an alternative to a show of arms as a final arbiter.

After this, whether the elective procedure served as a real or token contest or was inhibited and just a matter of form would depend on the relative rank among the contestants from the pool, the choice being limited by the prescribed requirements of common law tradition.

And so through the arbitration machinery of a *regulated* and *limited* elective process(under Article 22), which accorded priorities individually or collectively to the pool, the choice would simply be a decision between rival contenders from the pool such as Lunalilo versus Kalakaua or Kalakaua versus Queen Emma etc.

Otherwise, *where there was no rivalry among the pool, as in the case of the incontestable succession of Kamehameha V or the Last surviving eligible, Princess Elizabeth Kekaaniau (Pratt), the mechanism of election would be inhibited and reduced to a rite*.

Under the rubric of indefeasible contitutional right, in any election ceremony derived from the prescriptions of the last sacred and absolute King Kamehameha III in council, these "expectant rulers" *while they lived* would be the only stirps of new royal lines the nation could have——the future monarchs.

The selection of eligibles for the succession, incidentally, coincided with the process of defeudalization that resulted in the Great Mahele. At this time, should any royal student be expelled with the required consent of the king and majority of chiefs in council, and presumably DISQUALIFIED from the succession, a portion of the property the failed student was heir to was removed and forfeited to the Crown.[23] Prince Moses, brother of Kamehameha IV and Kamehameha V was so disenfranchised and stripped of lands.[24]

At last, when this institution mandated to groom future monarchs for the throne ended in 1850, it had apparently attained those objectives desired by government. The Minister of Public Instruction reported to Parliament:

> This was an experiment and the success of it has been quite to our expectations. 25

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[23] Statute Laws of His Majesty Kamehameha III(1845-47), Chapter IV, Sec. IX,p.215

[24] Privy Council Records, V. 2, pp. 304-306.

[25] *Report of the Minister of Public Instruction read before His Majest to the Legislature*, April 1850(Honolulu: The Government Press, N.D.), p. 25.

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The establishment of the Royal Family School was a prudent step to minimize the danger of succession wars in interregna, as well as to maintain the independence of a native government capable of providing for the regularity of its relations with foreign powers.

According to A. F. Cooke, there were some early betrothals among the royal students.[26] It was hoped they would intermarry and produce for the nation a stock of kings with unquestionable rights to sovereign rule. Actually, only the Emma-Alexander betrothal resulted in marriage, and their only issue, Prince Albert Kauikeaouli, died in childhood.

So far, the first constitutional monarch to be drawn from the eligible pool was the Heir Apparent Alexander(Kamehameha IV), the adopted son of Kamehameha III and the grandson of Kamehameha I and Queen Kaheiheimalie.

And when Alexander proclaimed his son, Albert Kauikeaouli, his successor with the assent of the chiefs or nobles, the proclamation bore the approving signature of his elder brother, Lot.[27] Thus, Albert was accepted by Lot by amicable agreement as the rightful spiritual and temporal authority after Kamehameha IV.

But Albert died in infancy and soon afterward Kamehameha IV died in default of a proclaimed successor. Then Lot, universally acknowledged as the rightful successor, was approved and proclaimed by his full sister, Victoria(of the eligible pool) and Co-Ruler with Kamehameha IV, with the assent of the Privy Council.[28] Lot ascended the throne as Kamehameha V, thus inhibiting the elective procedure.

But when Kamehameha V died without issue and without a ratified nominee, and was survived by his half sister and heir-at-law, Princess Ruth, the elective procedure regulated by common law tradition loomed again.

Although Ruth desired to rule and was the king's private heir, she was not destined to be the political successor to the Kamehameha Crown.

William Lunalilo, on the other hand, was decidedly the paramount among his peers in the eligible pool. Thus, all other contenders, save David Kalakaua, dropped out in his presence. For as Acting British Commissioner T. H. Davies reported to Foreign Minister Granville in London:

> Prince William C. Lunalilo. . . is the highest rank. . . undoubtedly nearest to the throne. . . No one denies that Lunalilo has the best right to the throne.29

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[26] A. Frank Cooke, "Extracts from the Journal of Amos Starr Cooke 1842-45." *Thirteenth Annual Report of the Hawaiian Historical Society for the Year 1921,* (Honolulu: Paradise of the Pacific Press, 1922), p. 12.

[27] The Polynesian, October 8, 1859.

[28] Ralph S. Kuykendall, *The Hawaiian Kingdom* V. II(Honolulu: University of Hawaii Press, 1953), p. 124.

[29] Theo. Davies to Earl Granville, December 14-16, 1872, British Public Record Office, London. F. O. 58/132.

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And according to the testimony of Charles T. Gulick, a former Minister of the Interior of the kingdom:

> As Prince Lunalilo was, according to the Hawaiian standard, of a chiefly rank superior to that of anyone living at the time of his election to the throne, he had no competitors, and his elevation to an heretofore hereditary throne by a popular election seemed in no way to affect the current of events. The position was looked upon as almost his by right of inheritance, and was cheerfully confirmed to him by legal formalities.
>
> When, however, it became necessary to fill the throne a second time in the same way, the whole situation was quite different.[30]

But since David Kalakaua, another member of the eligible pool, remained in the running, this resulted largely in a token contest. Lunalilo chose to submit his claim, first to a plebicitum and then to Parliament. His election as king that followed was virtually a matter of form, as well as a mechanism for averting a succession war. For Lunalilo would probably have taken the Crown if not elected.[31] As Acting British Commissioner, Davies, points out:

> There is little doubt that on the king's decease, Lunalilo might have walked to the palace and simply declared himself king, and called on the few native troops to recognize him with success.[32]

After a brief reign Lunalilo died, however, survived by his father, Charles Kanaina, lifetime heir to his estate, and his numerous cousins, including Queen Emma, heir to Lunalilo's marine estate by reverion at his father's decease.

Although Queen Emma desired to rule, and was a private heir to King Lunalilo, she was not destined to be a successor to the Lunalilo Crown. She was apparently Lunalilo's preferred successor, but he failed to nominate her, reportedly because he couldn't secure enough votes in the House of Nobles,[33] to have the nomination ratified.

Queen Emma, widow of Kamehameha IV, traced her descent from a full brother of Kamehameha I, as the following circular of the second interregnum of 1874 indicates:

> TO THE PUBLIC
>
> The lineage of Her Majesty Emma Kalelaonalani, a chiefess of the highest blood, is as follows:
>
> Kealiimaikai, who was an own brother of Kamehameha 1st, was the father of Kaoanaeha, who was the mother of Fanny Young Kekelaokalani, and this last was the mother of Emma Kaleleonalani. The Queen is therefore the nearest living connection of Kamehameha I, the Conquerer of these Islands, and thus her rights are superior to

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[30] U.S. Congress, House Executive Doc. 47(53rd Congress 2nd Session.) in papers relating to the foreign relations of the U.S. 1894 App. 2. Affairs in Hawaii. U.S. Government Printing Office, 1895, P. 751.

[31] Kuykendall v. II, p. 244.

[32] Davies to Granville, December 16, 1872.

[33] Henry A. Pierce to Hamilton Fish, January 20, 1874, *Hawaii Diplomatic Correspondence in the Bureau of Indexes and Archives of the Department of State, Wash. D.C. (Publications of the Historical Commission of the Territory of Hawaii, V.1, No. 3 by Ralph S. Kuykendall).* (Honolulu: Honolulu Star-Bulletin, Ltd., 1926), p. 33.(Hereinafter referred to as Historical Commission).

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those of any other person, both legally and by descent.[34]

Her claim by descent from the Conquerer therefore would be indefeasible in either the absence or nonassertion of stronger claims among her remaining peers in the eligible pool, none of whom contested her genealogical priority save Kalakaua.

The closest Colonel Kalakaua, a former chamberlain to Kamehameha V, could trace his his descent from the Conquerer was through Keaweaheulu(or Kameeiamoku), a cousin and counselor to Kamehameha I. As Liliuokalani states in her memoirs:

> The great grandfather of Kalakaua. . . and Kamehameha I were own cousins and as I have already noted, it was to this ancestor and to other chiefs of our family that the late dynasty had owed its succession, and the uniting of the Kingdom of Hawaii under one government.[35]

And as a proKalakaua circular reads:

> He is the oldest male representative of a princely Hawaiian family, which is *undoubtedly next to the House of Kamehameha,* and is entitled to the highest consideration of the country.[36]

The question of succession would be one of priority between these two eligibles of the pool. Of the two, Queen Emma would clearly be the nearest to the Conquerer, and thus the rightful successor. And she had pledged to dispense with a royal allowsnce from the Treasury to pay off the national debt, to seek an improved democratic constitution, and "on this foundation to secure the perpetuity of Hawaii's independence."[37]

But American residents feared that if Emma ruled, she would favor British interest in Hawaii at the expense of their own.

Kalakaua, on the other hand, was favored by American commercial interests, and as U.S. Minister Pierce reported in an official dispatch to the Department of State:

> It is said David Kalakaua. . . is active in the formation of a party to place him upon the throne. . . even in case a successor should be appointed by Lunalilo.[38]

When Kalakaua was elected, for the first time in the history of the constitutional monarchy, the rightful contender nearer to the Conquerer was separated from the throne.

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[34] To the Public Election Circulars issued by Kalakaua and Queen Emma, Honolulu 1874, Kalakaua's Hawaii, 1874-1891, part i, no. 26; special microfilm publication. Hawaiian Historical Society, 1968.(Hereafter referred to as Kalakaua's Hawaii).

[35] Liliuokalani, *Hawaii's Story by Hawaii's Queen*(Boston: Lee and Shepard Publishers, 1899), p. 43.

[36] Kalakaua's Hawaii, pt. 1, no. 26.

[37] Ibid.

[38] Henry A. Pierce to Hamilton Fish, May 26,1873 Historical Commission, p.26.

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This was followed by an insurrection, put down by marines from American and British war vessels. Mesick has put it this way:

> . . . of the two candidates, Emma was personally the more popular. Hawaiians have a very high regard for blue blood and princely lineage, and while Kalakaua was a chief of a number of ruling lines, Emma was more closely related to the royal Kamehamehas. For this reason therewas a strong feeling of resentment in the minds of many Hawaiians that Kalakaua should aspire to the throne while a Kamehameha was living and willing to serve.[39]

And as regards the riot and insurrection of 1874, Professor Sylvester Stevens notes:

> The combination of native opposition and intrigue by British partisans of Queen Emma was such that it cannot be questioned but that the landing of a force of one hundred and fifty American marines at the request of the King on Feb. 13 became a decisive factor in maintaining the peace against the threat of revolution. While the force was used at the request of Kalakaua, the fact remains that it was in the interest of maintaining the paramount position of the U.S.[40]

After this insurrection was put down, Kalakaua was discovered by Charles T. Gulick, and Dr. Trousseau in hiding under a wooden house opposite the palace. Although assured of his safety, the new king would have preferred to postpone his investiture.[41]

Perhaps, these circumstances combined with the many allegations, which surfaced in testimony in the Blount Report, that Kalakaua was elevated to kingship by way of a sham election, left a stigma on the throne. In any case, the belief that King Kalakaua owed his Crown and perhaps his life to the intervention and continued presence of foreign troops appears to have persisted and is echoed in the writings of the historian, Alexander, British Commissioner Wodehouse, etc.[42]

Up until Queen Emma's decease in 1885, the matter of her right of succession, unopposed by her remaining peers in the pool, would relentlessly pursue the Kalakaua Regime. At the decease of Kalakaua's Heir Apparent, Prince Leleiohoku, Commissioner Wodehouse reported to the British Foreign Minister Derby:

> It is useless to disguise the fact that the death of the prince is a most serious blow to the new dynasty and although it was followed by the proclamation of a successor to the king, should he die without issue, of his sister, the Princess Lydia, who is married to an American but is childless. Few believe that in such an event, she would be allowed to ascend the vacant throne without a struggle, the result of which might, and in the absence of foreign intervention, probably would, end in the elevation of Her Majesty the Queen Dowager Emma, if she wished it, to the throne of Hawaii.. .
>
> . . . Queen Emma is much, and deservedly beloved by the mass of the Hawaiian

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[39] Lilian S. Mesick, The Kingdom of Hawaii(Honolulu: Porter Printing Co, 1934),P.26.

[40] Sylvester K. Stevens, American Expansion in Hawaii(Harrisburg: Archives Publishing Company of Pennsylvania, Inc., 1945), pp. 117-118.

[41] Ethel M. Damon, Sanford Ballard Dole and his Hawaii(Palo Alto: Pacific Books, 1957), p.127.

[42] James Wodehouse to Foreign Office, November 27, 1883, British Public Record Office, F.O. 58/183

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people, and they consider that she has an undoubted right to succeed the present sovereign.[43]

Queen Emma and legitimism posed an even greater threat during the Moreno Episode of 1880, when Kalakaua triggered a crisis by arbitrarily dismissing his ministerial cabinet without valid cause(as in 1878), after it "had the confidence of the Legislative Assembly and of the country at large."[44]

At a mass meeting at Kaumakapili Church a resolution adopted asserted that Kalakaua "acted inconsistently with the principles of Hawaiian government as a constitutional monarchy as established and handed down by the Kamehamehas and their successor, Lunalilo."[45]

According to his opponents, Kalakaua had not just violated the constitution in spirit. Indeed, as Saturday Press put it, the constitution of a country "consists of unwritten as well as of written laws" both of which must be observed, and:

> . . . we do maintain that of late years and more especially of the last few weeks, Hawaiian precedents have been dangerously departed from, and that universal disapproval has resulted.[46]

Whether due to the alleged manner which Kalakaua attained kingship or to the existence of rival claims among the ramage members of the pool, headed by Queen Emma, to challenge his supremacy, the insecurity of Kalakaua's position became embarassingly apparent during the crisis.

Soon a reminder from the Hawaiian Gazette touched upon the issue of legitimism:

> . . . under the former kings there was indeed personal government, but the case was very different. Those kings had hereditary prestige. They had much force of character and they took care on the whole to surround themselves with the best men they could get for advisors.[47]

And not surprisingly, as the crisis continued, the U.S. Minister Comly reported to the Secretary of State:

> The abdication of the king, the crowning of Queen Emma. . . were as openly discussed in the streets as the claims of the presidential candidates are in Washington. . .
>
> . . . The British Commissioner took occasion to say publicly and semi-officially that the British Man-of-war in port would not be allowed to support Kalakaua against Queen Emma as had been done by the English and American ships during the riot when he was elected over Queen Emma.[48]

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[43] Wodehouse to Foreign Office, April 26, 1877, B.P.R.O. , F.O. 58/155.

[44] Pacific Commercial Advertiser, August 21, 1880.

[45] Ibid.

[46] Saturday Press, September 18, 1880.

[47] Hawaiian Gazette, August 18, 1880.

[48] James M. Comly to Sec. of State W. M. Evarts, August 21, 1880, Historical Commission, p.43. p.45.

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However, by September 27, 1880, Kalakaua avoided revolution by backing down and appointing an acceptable cabinet.

Nonetheless, the issue of legitimism would remain to haunt the Kalakauas beyond Queen Emma's right of succession. In fact, the insurrection and ensuing split between the defacto and dejure successors and their partisans, namely, the "Emmaites" and "Kalakauans" would be recalled after the overthrow of 1893 by the Provisional Government, to justify the deposition of Queen Liliuokalani by denying Kalakaua's right of succession on the score of royal lineage.

Charges, moreover, would appear in the media that the Crown and its prerogatives enjoyed by Liliuokalani had become "nothing more sacred than the fruits of usurpation", and that while the Kamehamehas had ruled by right, the Kalakaua monarchs ruled by courtesy.[49]

Meanwhile, at the decease of Prince Peter Young Kaeo on November 26, 1880, the surviving royals of the pool of eligibles for the succession, who had been prepared by government for the throne, from then on, were: Queen Emma; Princess Bernice Pauahi (Bishop); and Princess Elizabeth Kekaaniau (Pratt). Each had a prior right to serve as a "stirps" of a new royal line on the failure of proclaimed successors. And in addition to their next-in-line right to sovereign rule, they were the last members of the sanctified ramage core established by Kamehameha III, who was the sole remnant of the institution of the Alii Kapu.

As a hedge against a reversion of the throne to his fellow-royals in the pool, Kalakaua apparently sought to legitimate his sovereign rule by establishing a new basis, for instance, in his "Primacy of the Pacific" scheme to become an "Emperor" of Polynesia, which failed.

At the same time, the occasion arose for Kalakaua, as titular head of a dynasty whose right to the throne was questioned, to resort to the divine right doctrine to strengthen his right of succession. And so, reportedly, there would be attempts at self-deification through a secret society,[50] and a longing for, if not an attempt to return to , the prerogatives of the absolute and divine kingship of ancient Hawaii, through the promotion of a renaissance of indigenous culture. There would also appear a reference to alleged tampering of Kalakaua with genealogy involving his "rescue" of The Kumulipo (Song of Creation) Chant.[51]

Up until Kalakaua's contest with Queen Emma for the throne, the genealogical priorities for succession among the royals in the eligible pool seem to have been

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[49] The Hawaiian Star, March 31, 1893; The Pacific Commercial Advertiser, May 8,1893.

[50] Lucien Young, The Real Hawaii(New York: Doubleday, Page and Co., 1902), p.11.

[51] Martha W. Beckwith, Hawaiian Mythology(Honolulu: University of Hawaii Press, 1970), p. 311.

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fairly clear and a matter of general agreement. Apart from Kalakaua's token contest of Lunalilo's right of succession, there appears to have been an orderly and amicable adherence to priorities more or less based on the framework established by Kamehameha and confirmed by Kamehameha III and the Chiefs or Nobles in Council.

Only in Kalakaua's reign would there begin steps to promote an extension of the succession to his affinal relatives(cousins and in-laws) lest it revert to the eligible pool when his siblings and their direct descendants, if any, became extinct. The British Commissioner James Wodehouse alleges that Kalakaua wanted to flout the rules of succession as applied to his own family:

> Princess Liluokalani [sic], the king's sister and Heiress Apparent to the throne is, I fancy, cherishing hopes of the king's abdication, and her views are probably shared by Mr. Cleghorn whose daughter [Kaiulani] would then be the next in succession. It is fair to say that both the king's sister and Mr. Cleghorn have grounds for their dislike of the king, inasmuch as his pet project was, to substitute his nephew in-law and cousin, Prince David, as his successor in place of his sister, and so utterly destroy the chances of Mr. Cleghorn's daughter, the Princess Kaiulani.[52]

At any rate, the law of succession in both constitutions under which Kalakaua reigned is very clear. By the appointive procedure of Articles 22, a childless monarch was authorized no more than ONE LIVING APPOINTEE at a time. His nominee, if ratified by the House of Nobles was publicly proclaimed the successor.[53]

In 1874 Kalakua's brother, Prince Leleiohoku, became by the terms of Article 22 his duly proclaimed successor.[54] Likewise at Leleiohoku's decease, their sister, Liliuokalani became the duly proclaimed successor.[55]

So while Kalakaua might bestow titles of honor agreeably to Article 35 in 1883, since Liliuokalani outlived him, the ONLY WAY for Kalakaua to add to the succession beyond Liliuokalani was by constitutional amendment through Articles 80 or 82.[56]

Accordingly, Article 22 of the Contitution of 1887 names just Liliuokalani in the succession from July 6, 1887 onward.

Though Kalakaua was free to make his preferences for the succession known beyond Liliuokalani in his will of 1888, he was not empowered by the constitutions under which he reigned to devise the Crown by will.

Indeed, both legal processes for securing additional successors clearly required completion by the living and reigning monarch.

In 1888, furthermore, Kalakaua, a virtual figurehead, without authorization by

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[52] Wodehouse to Foreign Office, July 28, 1888, British Public Record Office, F.O. 58/234

[53] Lydecker, p.90, p. 161.

[54] Hawaiian Gazette, February 18, 1874.

[55] Ibid., April 18, 1877.

[56] Lydecker, p. 97, p. 170.

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an act of Parliament, would have no authority whatever to dictate the succession.

Nor would his will be confused with a royal decree. His will(First Circuit Court Probate #2726) would fufill the definite requirements of a will and be executed by Kalakaua as a private person. In contrast, a royal decree would fufill the definite requirements and formalities of a royal decree,and be issued in an official capacity.

Since a will remains a will, and a decree remains a decree, it would be erroneous to interpret this WISH LIST of his preferences to be a royal decree, that is, a publicly proclaimed OFFICIAL DECLARATION by government authority.

And then after Kalakaua's decease, the right to nominate the next successor or to petition Parliament for an amended succession vested in the succeeding monarch, Liliuokalani.

Just the same, Kalakaua expressed in his will of 1888, the desire to extend the succession beyond Liliuokalani and his niece, Kaiulani, to his affines(cousins and in-laws), including His consort, Kapiolani, her sisters and nephews.

Kapiolani could trace her descent (as grandaughter) from Kaumualii of Kauai, and from Keawe of Hawaii, both of whose territories were superceded by the united Hawaiian Kingdom.

And though Kaumualii, a rival king to Kamehameha I, retained for his territory the status of tributary kingdom under the Kamehamehas, during the reign of Kamehameha II, he became, in Dr. Kuykendall's terms "a virtual prisoner of state"[57] up to his death, when Kauai and Niihau passed on to Kamehameha II and this ceded territory merged with the Hawaiian Kingdom. At this time, Kaumualii's son, George Kaumualii, fomented a rebellion on Kauai, and was defeated in the Battle of Wahiawa.

But despite Kalakaua's desire to will the Crown to his affinal relatives (cousins and in-laws), he had already played his hand in appointing Liliuokalani, the Heir Apparent. After that, he could only bestow honorific titles, for to establish a line of succession beyond Liliuokalani clearly required a constitutional amendment, which he failed to secure during his reign.

One can only guess at the reasons for his failure to secure an extension of the succession from Parliament. Apart from the demands of the criteria for the screening and grooming process at the Royal Family School, and considered on the grounds of lineage alone, any rival claim to kingship based on titles(by descent) to superceded prior kingdoms against the ramage members in the eligible pool would clearly be derived from the wrong side of the fence.

The right to rule the entire island group was vested primarily in the Conquerer's lineage. Henceforth, for a constitutional monarch of this unified and consolidated state, founded in conquest, to shift the succession away from the ramage core in which it was vested to the lineage of a rival king to the Kamehamehas might rock the foundations of the Kingdom to its center, and easily be considered treasonous and cause for revolution.

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[57] Kuykendall vol. I, p. 75.

Nevertheless, unsuccessful strategies, increasingly desperate, to promote the attachment of Kalakaua's affines(cousins and in-laws) to the succession, and thus dispossess the eligibles of the pool, would surface under Kalakaua's reign up to the overthrow of 1893.

In 1880, Kalakaua and the Legislature passed an "Act to Perpetuate the Genealogy of the Chiefs of Hawaii". This statute called for the collection of genealogy books, and the preservation of the knowledge of old Hawaiians etc.[58]

The alarming rate of mortality of Native Hawaiians had created a predicament, so that by 1880 it had become difficult to culturally authenticate paramountcy in chiefhood for present and succeeding generations. By 1880, government had not the wherewithal to authenticate pedigree and hence paramountcy, as had previous generations, which had access to "living repositories", retainers whose sole purpose was to memorize genealogy. These along with first hand witnesses and genealogists of old, were rapidly heading for extinction. These who were best qualified to monitor the purity of bloodlines were dwindling in number due to the high mortality of Native Hawaiians.

And whereas under the previous two constitutions, the principal Chiefs of the Realm once sat in all government councils, now in the 1880's, among the lifetime appointees to the House of Nobles, as U.S. Minister James Comly noted, half were foreigners and all were not necessarily chiefs.[59]

Another difficulty was that the sanctified ramage members in the pool of eligibles had failed to reproduce by intermarriage their own caste, which would have an unquestionable right to sovereign rule on grounds of lineage. The early betrothals failed to bloom into marriage with the exception of that of Alexander and Emma, and their only issue died in childhood.

Eight of the other eligible royals did marry, but outside of their circle and, in five cases, to foreigners. Thus under the hierarchal order of graded chiefs, each successive generation would be of diminishing rank unless the respective spouse happened to be of sufficient chiefly rank.

Yet, in default of claims asserted by the senior generations, the juniors would then be THE PARAMOUNT CHIEFS. One might wonder, then, about the status in chiefhood of Albert Kunuiakea, reputed son of King Kamehameha III. Albert was a half brother of the eligible royal, Peter Young Kaeo, and ward and heir-at-law of Queen Emma.

Thus, some means to keep track of the pyramided mana in the sacred genealogical lines leading back through Polynesian cosmogony to Divinity, and to keep a continuous record of births, marriages and deaths was desirable.

But an "At to Perpetuate the Genealogy of the Chiefs of Hawaii" created a

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[58] Session Laws, 1880, ChapterVII, 9 August 1880, pp. 16-17.

[59] James Comly to Sec of State Frelinghuysen, April 10 1882, U.S.D.S., Dispatches Hawaii, Vol. XX.

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board of genealogy to which Kalakaua appointed his sister-in-law, Poomaikalani, as president. Since Poomaikalani would naturally have had a stake in the outcome of the board's "findings", this appointment may have weakened the board's credibility in the eyes of Native Hawaiians.

In any case, from May 1883 following Kalakaua's 9-year-late coronation, for about a year, genealogical disputes broke out in Hawaiian language newspapers(Kuokoa and Eleele Poakolu) between partisans of Emma and Kalakaua, a series of attacks and counterattacks from which Liliuokalani apparently emerged unscathed.

Further, the work of the Board of Genealogy apparently met with a backlash of sneers from the native community.[60] Its findings in the form of a report appear to be inconclusive or suppressed as one writer has charged. And by 1887, ostensibly due to a lack of funds, this 1880 statute was repealed,[61] and the fruitless venture mandated by it, must be considered to have been IN DEFAULT.

Meanwhile, as U.S. Minister James Comly, who had done a study of the Native Hawaiian situation on request, reported to the Department of State in 1882, the chiefs were dying out at an even greater rate than the people,

> . . . but the natives are still of feudal temper, and their attachment to their native aliis or chiefs is deep and abiding, incapable of transfer or substitution.[62]

Minister Comly goes on to note that "of all the royal family and collaterals" the half white Princess Victoria Kaiulani Cleghorn is the sole representative of the second generation of the royal family.

But, Comly alleges, "The body of natives" does not recognize in King Kalakaua "true high chief blood" and that:

> The distinction is made painfully apparent when any of the present royal family are brought in contact publicly with Queen Emma or Princess Luka [Ruth].[63]

Since there is no doubt that Kalakaua was of high chief blood, the question would be one of paramount chief blood in the presence of surviving Kamehamehas. And since the monarchy had failed to make provision beyond the pre-emptory heirs of the eligible pool, and as Comly notes, the most prominent of these appeared to be dying without children, he surmises in 1882 that,

> Unless the genealogical tables of the Kingdom shall be reformed and enlarged, there is no other family left eligible to the throne.[64]

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[60] Pacific Commercial Advertiser, August 5, 1884.

[61] Session Laws, 1887, Chapt. III, 21 November 1887, pp. 4-5.

[62] Comly to Preylinghuysen, April 10, 1882.

[63] Ibid.

[64] Ibid.

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In 1883 the first transparent strategy to promote an extension of the succession to Kalakaua's affines(cousins and in-laws) surfaced in Kalakaua's 9 year late European-style coronation. The coronation contrasted with the Native Hawaiian "Poni" ceremony of installation by which indigenous kings were anointed in confirmation of their sacred rank as a basis for the aumakua relationship with the people.

The Kamehameha kings and Lunalilo had shunned this expensive sort of ceremony, symbolic of foreign kingship, when they were invested. And though the titles of Princess of the Blood and Duchess of Halawa had been considered for Queen-consort Emma, Kamehameha IV granted only the style and title of"Hereditary Heir Apparent of Our Throne VIZ: The Prince of Hawaii"by letters patent to his son and constitutional heir, Albert Edward Kauikeaouli.[65]

In contrast, for the coronation ceremony Kalakaua granted titles of honor to not only his sisters and niece, but to his Consort, Kapiolani, her sisters and nephews in a transparent step to promote an extension of the succession to his affines. Understandably, this ceremony was boycotted by the then remaining eligible royals of the pool: Queen Emma, and Princesses Bernice Pauahi (Bishop) and Elizabeth Kekaaniau (Pratt).

By letters patent, Kalakaua granted titles of honor(e.g. in court ceremonies) toKapiolani with precedence over Emma, to Emma with precedence over Liliuokalani, the Heir Apparent, etc. [66]It is said that Archibald Cleghorn and John Dominis, husbands of Kalakaua's sisters, were offered the honorific titles of "Prince" but declined the honors.

In any case, one may infer from an official dispatch of British Commissioner James Wodehouse to Her Majesty's Foreign Minister, Earl Granville, in London that the appropriateness was questioned(or the arbitrariness protested) in the king's granting of certain titles of honor by some members of Kalakaua's own family.

Wodehouse, father-in-law to Princess Kaiulani's half sister, Annie Cleghorn cites the "intense disgust" of Kalakaua's sisters, Liliuokalani and Likelike, and expresses his own sense of outrage as well, over the king's actions.[67]

Still, whatever strategy Kalakaua might use to promote a line of succession beyond Liliuokalani, the absence of an amendment to that effect in the Constitution of 1864 and the reconfirmation of Liliuokalani as his ONLY living successor in the Constitution of 1887 underscore Kalakaua's failure to attach his affines(cousins and in-laws) to the succession.

Moreover, in 1882 U.S. Minister Rollin M. Daggett noted in an official dispatch after nine years of Kalakaua's reign, that a faction of the native community

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[65] The Polynesian, May 29, 1858.

[66] Pacific Commercial Advertiser, February 12, 1883.

[67] Wodehouse to Foreign Office, November 27, 1883.

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continues to question, on the score of lineage, Kalakaua's right to sovereign rule.[68]

Meanwhile, the eligible royals of the pool were heading for extinction. Princess Bernice Pauahi (Bishop) died in 1884, followed by Queen-dowager Emma, who died in 1885, now leaving Princess Elizabeth Kekaaniau (Pratt), a Kamehameha cousin and an heir-at-law in Queen Emm's will, as the last eligible of the pool.

Elizabeth Kekaaniau Pratt, now in 1885, the rightful heir to kingship, had no hand in politics, but calmly waited in the wings, ready to assert her prior right in the event of a failure in the succession.

The Historian, Alexander, refers to the "misrule" and bankrupting policies of the Kalakaua Regime, climaxed by the court order of Chief Justice Preston for a refund of a $70,000.00 "gift" to Kalakaua from a rice planter, Aki, in Aki's bid for an opium license monopoly, which went to a rival instead for an $80,000.00 "gift".[69]

This Aki scandal resulted in the so-called bayonet constitution in 1887, which in lieu of an overthrow, reduced Kalakaua to a virtual figurehead with a cabinet ministry responsible to Parliament.

Kalakaua made concessions to keep from being deposed. And as his powers were shorn away, Parliament achieved authority superior to that of the sovereign.

Now Kalakaua, of enfeebled authority, had neither authorization of a constitutional amendment nor an act of Parliament to will the Crown to his affines. Still, in a last strategy, in lieu of his failure to establish a line of successors beyond Liliuokalani, Kalakaua listed the names he wished attached to the succession in his will of 1888.

In 1889, Robert W. Wilcox led the unsuccessful native Hawaiian counterrebellion in which he reportedly intended to replace Kalakaua with Liliuokalani, and restore those powers of the Crown accorded by the Constitution of 1864. Then in 1891, Kalakaua died, succeeded by his proclaimed successor, Liliuokalani.

After suceeding to the throne, Liliuokalani granted her spouse, John Owen Dominis, the title of Prince Consort, and proclaimed by Article 22, Princess Kaiulani to be her successor.[70]

But Liliuokalani succeeded to the Crown thus limited by constitutional law, and her signing of the oath of office by which she swore to uphold the Constitution of 1887 reaffirmed the limitation on her authority, and bound herself not to violate this rulership contract by transgressing the constitutional rights of the nation.

Under the present Constitution of 1887, Liliuokalani was thus a virtual figurehead, sharing executive power with a cabinet ministry responsible to Parliament. Natural-

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[68] Rollin M. Daggett to Sec. of State Frederick T. Frelinghuysen, September 20, 1882, U.S.D.S., Dispatches Hawaii, vol. XX.

[69] U.S. Congress, House Executive Doc 47(53rd Congress 2nd Sess.) in papers relating to the foreign relations of the U.S. 1894 App. 2 Affairs in Hawaii. Gov. Printing Office, 1895, pp. 1453-71.(Hereinafter Affairs in Hawaii);7 Haw.R. 401.

[70] Daily Bulletin, March 9, 1891; same, March 28, 1891.

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ly she resented the fact her role was largely ceremonial, while Parliament was now the effective holder of sovereignty. And it would naive to assume that a coup d'etat would be successful at all, much less without a serious struggle.

Nevertheless, in 1893, Liliuokalani took a radical step in contemplating the unconstitutional act of proclaiming a new constitution by edict, which would give her greater autocratic power than even that which was accorded the royal office by the Constitution of 1864.[71]

This proposal for a new constitution would also have disenfranchised a large portion of White resident voters. Also, this revolutionary proposal was apparently accompanied by a desperate attempt to attach Kalakaua's affines(cousins and in-laws), Kuhio and Kawananakoa, to the succession.

Because Liliuokalani's ministers, who shared authority with her, rejected the proposal, Liliuokalani feared to proceed, and promised to give the people a new constitution at some point in time in Hawaiian terms meaning "one of these days."[72]

Apparently realizing her mistake, that is, that her actions could be interpreted as a violation of her oath of office, by which she may have forfeited her right to rule, Liliuokalani backed down, and in an effort to countermand her error, joined her cabinet in issuing an official rejection of the revolutionary proposal by royal decree with a promise to seek change only by due process. This assurance was accepted at a mass meeting of citizens, who accepted the rejection of the proposal in a published resolution.[73]

U.S. Commissioner Blount, in an interview with a committee from the Hui Kalaiaina, the Native political organization that originally petitioned Queen Liliuokalani for the new constitution, elicited the following testimony(through an interpreter):

> Q What did the queen say in response to your request?
> A That she was quite ready to give a new constitution, but her cabinet is opposed to it. Her cabinet refused it, so that she could not do otherwise. She told the people that they had to go home quietly and wait for the next session of the legislature.
> Q She said she could do nothing?
> A Yes. Because the constitution says she can do nothing without being approved by her cabinet.[74]

But the Queen had already played into the hands of her most radical opponents by giving them the means and excuse to depose her.[75] According to her opponents, Liliu-

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[71] Julius W. Pratt, *Expansionists of 1898; the Acquisition of Hawaii and the Spanish Islands*(New York:Peter Smith, 1951), p. 79.

[72] Ibid., p.81, p.85.

[73] Pacific Commercial Advertiser, January 17, 1893 ; Stevens, p. 216.

[74] U.S. Congress, *Senate Report of the Committee on Foreign relations with Accompanying testimony and executive docs.* transmitted to Congress Jan. 1, 1893 to Mar. 16, 1894, Wash: Gov. Printing Office, 1894(Hereinafter, Senate Report) pp. 1653-1654.

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[75] Pratt, p. 78, p.86.

okalani, by the mere contemplation of a new constitution by coup d'etat, had transgressed the fundamental law of the land, and the monarch who thus trangresses the law, ipso facto forfeits her right to rule, deposes herself.

So much for justifying Liliuokalani's deposition. What of the overthrow of the monarchy? President Sanford B. Dole, who wanted to save the monarchy for Crown Princess Kaiulani, was assured, however, that the majority of the revolutionaries weren't willing to extend anymore trial to the Kalakaua Family, thus he went along with the act of abrogating the monarchy.[76]

The new provisional government and its partisans, once in power, justified the overthrow, not only on grounds of Liliuokalani's actions, but on grounds of royal legitimism, reawakening resentment in that faction of the native population that questioned Kalakaua's right to rule in the presence of any eligible royals of the Kamehameha Dynasty willing to serve.

Meanwhile, Robert Wilcox, who had been slated by Liliuokalani to be a minister of the Crown in case of restoration of the monarchy, led an unsuccessful counter-rebellion in 1895, not however to restore Liliuokalani. According to Wilcox's testimony, he had long sought actually to found a republic, which he felt would be best for the people.[77]

Later, Queen Liliuokalani formally abdicated IN TOTALITY, and was predeceased by Crown Princess Kaiulani in 1899. Like most abdications it may have been signed under duress, and whether it would have the effect of withdrawing Kaiulani's appointment and cutting her off from the succession is debatable.[78]

Since the private heir, for instance, of the Kamehameha Royal Family, Princess Ruth, was not the political successor to the Kamehameha Crown, nor were the private heirs, Charles Kanaina(the father) and cousin, Queen Emma, of King Lunalilo, the political successors of the Lunalilo Crown, the difficult question arises as to who would be the successors if the monarchy continued.

Paul Neumann, a former attorney general of the Kingdom, touches upon the subject of succession as Queen Liliuokalani's attorney, most trusted advisor, and envoy. Armed with a power of attorney, Neumann went to Washington D.C. to try to negotiate a settlement with the U.S. government in the Queen's name. In his meeting with Secretary of State Foster, Neuman, as Liliuokalani's representative, makes it very clear that Liliuokalani and Kaiulani are considered the royal family proper:

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[76] Sanford B. Dole, Memoirs of the Hawaiian Revolution ed. Andrew Farrell (Honolulu:Advertiser Publishing Co. Ltd., 1936), p. 77.

[77] Senate Report, p. 1870.

[78] Pacific Commercial Advertiser, January 26, 1895.

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> Under the Hawaiian constitution, the family of the highest chief in land becomes eligible, but still must be elected. If this family dies out, a new family is chosen. These two are the last of the family.[79]

Also, Article 22 of the last constitution of the Kingdom is very clear as to the descent of the Crown, which was reconfirmed to Liliuokalani. Failing lawfully begotten heirs of her body in direct line, Queen Liliuokalani proclaimed her ratified nominee, Kaiulani, to be her successor. The royal family proper, as defined by Neumann, would thus become extinct and be IN DEFAULT, with the passing of Liliuokalani, predeceased by Kaiulani, in 1917.

What would have been left is the elective procedure under Article 22, governed by the prescribed requirements of common law tradition. Throughout the monarchy, one finds direct or indirect references to this common law tradition that regulated elections:

1) Judge-Historian Abraham Fornander identifies the "Prescriptive or constitutional right" to rule of the highest or sacred chief(Alii kapu).[80]

2) Dr. Charles M. Hyde states:

> Among the Hawaiians. . . the social organism recognized the highest chief as the highest ruler.[81]

3) Mark Twain, with reference to the official royal students, reports to the Sacramento Union:

> In case the king should die without making provision for a successor, it would be the duty of the legislature to select a king from among the dozen high chiefs, male and female, who are eligible under the Hawaiian constitution.[82]

4) U.S. Minister Henry A. Pierce alludes to the official royal students in suggesting moderate annuities(in case of annexation)for rights of expectancy be given"to the five or six chiefs now living with uncertain claims as successors to the Crown." 83

5) Premier and Foreign Minister Walter M. Gibson says of the Kalakaua versus Emma contest:

> . . . at that time the choice lay between 2 or 3 of the great chiefs of whom he was one. Prince Kalakaua was entitled to the throne by right of birth and by limit of choice.[84]

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[79] Historical Commission, pp. 54-55.

[80] Fornander, p. 64.

[81] Charles M. Hyde D.D., "Hawaiian names of relationship of consanguinity and affinity," The Hawaiian Almanac an Annual(10th ed.(Honolulu: T.G. Thrum, 1884), p. 43.

[82] Samuel L. Clemens, Letters from the Sandwich Islands for the Sacramento Union(New York: Haskell House Publishers, 1972), p. 105.

[83] Affairs in Hawaii, pp. 17-19.

[84] Hawaiian Kingdom, Legislature, The Hawaiian Hansard, a complete verbatim report of the Proceedings and Speeches of the Hawaiian Legislative Assembly of 1886 (Honolulu: Daily Bulletin Steam Co. Printing Office), p. 580.

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But it is Queen Liliuokalani, the last monarch, herself, who provides, perhaps, the weightiest interpretation of unwritten or common law tradition by which the choice of the electoral body was limited:

> The unwritten law of Hawaii nei required that the greatest chief, or the one having the most direct claim to the throne must rule. The legislature could not choose from the people at large, but was confined to a decision between rival claimants having an equal or near equal relation in chiefhood to the throne.[85]

Queen Liliuokalani, moreover, confirms that each student of the Royal Family School had a legitimate claim to the throne.[86] In support of this is the Order of King Kamehameha III in Council with the force of statutes, which designates the first 15 of these eligible royals with first rights to kingship. And by 1846, the Minister of Public Instruction in his report confirms that the Official Royal School would fufill the prescribed requirements of common law tradition:

> This school has been in existence seven years, and has from its commencement embraced all children of the highest class of chiefs for whom it was particularly established.[87]

So, given the rights of the official royal students in default of Liliuokalani and Kaiulani, in our pursuit of the successor, we are left, finally, with an area that deserves closer attention ---- the two decrees issued by the Crown, first DECREE(A) regarding the eligible royals of the pool, second, DECREE (B), regarding the affines (cousins and in-laws of King Kalakaua).

DECREE (A), an order in council, was promulgated by King Kamehameha III, the last absolute and sacred king and founder of the constitutional monarchy, while he was both monarch and chief justice. It is countersigned by the CoRuler, Kekauluohi (a former Queen-consort to Kamehameha II) in accordance with the advice of the Chiefs of the Realm, who under the Constitution of 1840, sat in all government councils to promote unanimity. It was sanctioned by a coalition that included the Official Royal School and the Estates of the Realm, which were in agreement as to who could rule in case of failures in the succession.

The king in council being superior to the king, an order that carries the prescriptions of the last absolute and sacred king in accordance with the advice of the chiefs in council, besides having the force of statutes, would be the most culturally authoritative.

In contrast, DECREE (B) would be sanctioned by a constitutional kingship that was clouded by allegations of a sham election, and that it had been sustained by inter-

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[85] Liliuokalani, p. 43.

[86] Ibid., p. 5.

[87] Report of the Minister of Public Instruction read before His Majesty to the Legislature August 1, 1846(Honolulu: The Government Press, N.D.), p. 51.

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vention and continued presence of foreign troops. It would also be clouded, reportedly, by a faction of Native Hawaiians, who, ten years after Kalakaua's election, still questioned his right to rule .

Also, under the Constitution of 1864, DECREE (B) would be sanctioned by Kalakaua's cabinet ministers, including Foreign Minister and Premier Gibson, only two of whom were even Native Hawaiian, and all of whom, for various reasons, according to the Historian Kuykendall, would be out of office within a year.

So much for cultural authority, then there would be the wording of both decrees. In DECREE (A) the wording is specific as to entitlement to the Crown: "Princes and Chiefs eligible to be Rulers." And Queen Liliuokalani confirms that this pre-emptory right was acknowledged.

The wording of DECREE (B) for a survivor of Liliuokalani, for instance, Kuhio, would be: "Prince with precedence above all other subjects", for example, in court ceremonies etc.(cf. Prince Philip of England--titled Prince of the United Kingdom, though not in line of succession).

As in other societies, Princes at court may be stratified into eligibles and ceremonials without contradiction in decrees. Liliuokalani, the Heir Apparent, for example, is only third in precedence, Queen-dowager Emma is second, and Queen-consort Kapiolani is first.

Another consideration would be the criteria for selection. By DECREE (A) each eligible for the succession was by descent a chief of the highest rank with a territorial basis for the right to rule the entire island group, derived from the conquest of Kamehameha 1st. As Liliuokalani confirms, it was an acknowledgement or declaration that they were "Princes and Chiefs eligible to be Rulers."

On the other hand, even assuming that those under DECREE (B) were of the highest chiefly class, if the territorial basis is from superceded prior kingdoms, it would be derived, so, to speak, from the wrong side of the fence, and therefore, this decree would be a grant, in contrast.

Then there would be other criteria: persons under DECREE (A) had to undergo a selective process by the Official Royal School, whose curriculum and policies were approved by the king and chiefs. They were screened and groomed for what was deemed fitness for the affairs of kingship, demanding certain competencies and attributes, particularly in coping with foreign powers.

In contrast, with the issuance of DECREE (B), there is no institution mandated by government to screen or train future monarchs as with the issuance of DECREE (A). Theoretically, DECREE (B), without an institution to screen for demonstrated competencies and appropriate attributes, could have been granted to any subject, native or non-native , of the Realm, even one, conceivably, that didn't speak English. Tellingly, there is an absence of the phrases: "Chiefs entitled to rank" or "eligible to be rulers" that accompany or are included with DECREE (A).

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Thus, DECREE (A), specifically worded as to entitlement to the throne acknowledges or declares first rights to rule over rival claimants outside of the pool of eligibles and is derived from conquest as well as a general agreement of the Estates of the Realm in coalition with the Royal Family School as to who could rule, failing a constitutionally appointed successor. And the undeniable prescriptive rights of the eligibles are confirmed by Liliuokalani.

DECREE (B), in contrast, lacks specific wording as to entitlement to the throne. Also, it would be a grant of something the grantee would not have had ultra vires, rather than a declaration or acknowledgement of an existing right for generations, unless its territorial basis were derived from conquest instead of superceded island kingdoms.

Even assuming a claim, for example, to descent from a cousin of Kamehameha I were asserted, this would still not be as close as a claim of descent from a sibling of Kamehameha I, especially if the latter claim is authenticated by Kamehameha III and Queen-dowager Miriam Kekauluohi in the King's order, proclaimed on the advice of the Chiefs of the Realm in council.

DECREE (B), according to the Cabinet Council minutes, was presented by Premier Gibson to the cabinet,[88] which was comprized of only two Native Hawaiians and two non-natives(one of whom was Gibson, who was also Minister of Foreign Affairs). Worse, the House of Nobles in 1883 was comprized of only 50% Native Hawaiians, and all were not necessarily Chiefs.

So, DECREE (A) is apparently descriptive of a right. It identifies an independent right to kingship, specifically and universally acknowledged, and subject to reconfirmation. The monarchy established the pool of eligibles and made no further like provision. Thus, the pre-emptory right of the last eligible against rival claimants would inhibit election to a formality under common law.

DECREE (B), in contrast, suggests a grant of courtesy, and it appears to identify a ceremonial status, for example, at court. William R. Castle, a former Attorney General of the Kingdom during Kalakaua's reign, describes a B type title as "Of course . . . purely ornamental."[89] In any case, it would certainly have required the petition of the living King Kalakaua with the consent of Parliament, governed by principles of common law tradition to extend a line of succession beyond the proclaimed successors, Liliuokalani and Kaiulani. And after the Constitution of 1887 the consent of the Cabinet ministry was also required.

This was something, however, that the two Kalakaua Sovereigns, in their combined reigns over a time span of almost twenty years, had failed to accomplish.

King Kalakaua's status/conflict from challenges to his right to sovereign rule,

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[88] Cabinet Council Records, January 5, 1883.

[89] William R. Castle to Sanford B. Dole, February 25, 1893, F.O. and Ex. File (1893, Hawaiian Officials Abroad: Hawaiian Commission at Washington, January--May).

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allegations of a sham election, and the concessions he made to avoid an overthrow in 1887, left his proclaimed successors in a weakened position. It was Parliament, from then on, that had effective sovereign power.

And there is the failure to attach a line of succession beyond Liliuokalani up to 1891, and beyond Liliuokalani and Kaiulani up to the unsuccessful proposal for a new constitution by coup d'etat. The latter left Liliuokalani in a precarious position and in alleged violation(according to the Morgan Report) of her signed compact with the people by contemplating a new constitution by coup d'etat.

In later years, Liliuokalani, who is said to have adopted the reputed son of her Prince-consort, fell victim to a lawsuit filed by her cousin, U.S. Congressman Jonah Kuhio Kalanianaole, in a bid to overturn her trust deed. The suit alleged Liliuokalani couldn't even remember a service of process on her due to the stress of the overthrow(contradicted by Liliuokalani's diary 1901-1903) and also alleged "mental weakness" and "subjection to undue influence." It was contradicted by the testimony of credible witnesses, and labeled an action of "greed" by the harassed ex-queen, who felt she had the right to leave her estate to whomever she chose.[90]

In any case, since private heirs must not be interpreted to be political successors(or Princess Ruth would have inherited the Kamehameha Crown), the pursuit of the successor in this direction would be fruitless on Liliuokalani's decease without issue on November 11, 1917.

As Paul Neumann, Liliuokalani's most trusted advisor and representative in Washington, indicated, with the passing of Liliuokalani and Kaiulani, the Crown would have gone to a new family, the stirps of which would be the highest(recognized) chief or chiefess of the Realm.

So, in default of Liliuokalani and Kaiulani of the royal family proper, it is clear Elizabeth Kekaaniau (Pratt) was the pre-emptory successor by principles of reversion, common law tradition and Kamehameha III's order in council. As the sole survivor of the monarchy's eligible pool, and as the elder of the senior branch of the Kamehameha Royal Family, recognized and groomed for the throne, she would have been the stirps of a new royal line had the monarchy continued.

Princess Elizabeth Kekaaniau Pratt, the remnant of the sanctified ramage core established by King Kamehameha III, who was in turn, the remnant of the institution of the alii kapu in a guardian relationship with the people, beginning with sacred Queen Keopuolani, first alii kapu of the monarchy.

Through marriage and adoption, Kekaaniau Pratt was the nearest survivor of the state wives of Kamehameha I: Kaahumanu, Kaheiheimalie, and Namahana II(Opiia), and through the eldest line of her direct ascendant, Keoua, the senior representative of Queen Keopuolani and (on the senior ranked side) of Kings: Kamehameha I, II, III,

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[90] Kalanianaole v. Liliuokalani, 23 Haw. R. 473; Honolulu Star-bulletin, March 27, 1916; same April 19, 1916; Honolulu Advertiser, April 3, 1916; same April 9, 1916.

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IV, V, Lunalilo, and Queen Emma. Her ancestral lines converged in a genealogy that is:

"impeccable and beyond reproach." [91]

-Mary Kawena Pukui, respected Hawaiiana authority and Honorary Doctor of Letters, University of Hawaii.

". . . one of the best evidenced royal genealogies of Hawaii. . . who else but she or her descendants could rightfully uphold the 'Mythical Charter' of her people?[92]"

-Ralph Heidenreich, Head Community Librarian, Manoa Branch Library.

"The High Chiefess Kekaaniau's rank under the old chieftain system was unquestioned, neither was her lofty lineage which was truthfully royal, and which had its ramifications so far back that finally it mingled with legendary history. . . Kakaaniau enjoyed the distinction of one concerning whose ancestry there was no question, no quibblings, no criticism. Herancestors were not only kings but king makers. . .

-Editorial, Honolulu Advertiser, December 22, 1928.

The last survivor of the eligible royals deemed rightful heirs to kingship, the cultural role and status of Elizabeth Kekaaniau Pratt and her line may be likened to a pillar in which is enclosed tradition, myth, ritual, alliances, etc. The right to rule the archipelago had at its roots a religious as well as utilitarian basis that is deep and abiding.

Stripped of administrative functions or temporal roles, what remains of Kekaaniau's line would be natural and spiritual leaders of the Hawaiian people, who in religious and cultural terms would embody the will of the sacred ancestors.

With the authority of the lineage ancestors behind them, these living actualizations of the defunct elders may function in religious terms as bridges, mediums, or intermediaries between the living and Ancestral Dead(guardian spirits).

And in the rites of commemoration of ancestors, devotees appropriately express their dependence and reverential gratitude for life to the Ancestral Dead as well as their sense of duty to the present and future generations.

Kekaaniau Pratt's line continues today through descendants of her niece and next-in-rank successor, Princess Theresa Owana Wilcox, widow of U.S. Congressman Robert W. Wilcox, leader of the Home Rule Party of the Hawaiian people. Princess Theresa was recognized by her fellow Hawaiians with tribute offerings(hookupu) throughout the islands, and honored on birthdays by the Royal Hawaiian Band.

At her decease, Princess Theresa was survived by three lawfully begotten issues of her body: Daisy Napulahao Cartwright Nelson(---1957); Virginia Kaahumanu Wilcox Miller (---1954); and Eva Kuwailanimamao Cartwright Styne(---1947), and, next-in-rank, a number grand and great grandchildren. Of this group, Daisy Napulahao Nelson would clearly be

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[91] Mary Kawena Pukui Affidavit, Bureau of Conveyances Liber 12504 p. 762.

[92] Ralph L. Heidenreich to Stephen Shipley et al, November 13, 1982. Native Hawaiian Study Commission, *Report on the Culture, Needs and Concerns of Native Hawaiians* v. II pursuant to sec. 203 of P.L. 96-565, "Title III"(1983), p. 594.; See Malinowski, Bronislav. "A New Instrument for t e Interpretation of Law-Especially Primitive. *Yale Law Journal* v. 51(June 1942): 1237.

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the constitutional successor under the Hawaiian system, and the last undoubted elder of the Kalokuokamaile-Kamehameha Family.

So great is the call of legitimism and tradition, that Elizabeth K. Pratt's collateral survivors to this day, the remnant of the last of the pool of royals entitled to be paramount, play an integral part in Hawaiian culture as carriers of tradition at the center of ritual life, particularly in the rites of commemoration of ancestors at religious festivals

As the remnant of the sanctified ramage core established by Kamehameha III, who, in turn, was the remnant of Sacred Queen Keopuolani, the first Alii Kapu of the monarchy, they are invited each year to preside over religious festivals in which they assume the ceremonial titles of Prince or Princess, and in which the rapport and reciprocal bond of the traditional guardian(aumakua) relationship between the Hawaiian people and themselves is reaffirmed.

At Waiola Congregational Church in historic Lahaina, Maui, original capitol of the Hawaiian Kingdom, is held an annual memorial festival, a two-three day convocation in which Kekaaniau Pratt's senior survivors take precedence in ritual, leading a procession followed by the Friends of Keopuolani, various Native Hawaiian societies, and the congregation, to venerate the Tomb of the Sacred Queen Keopuolani amid royal chanting(which may, for example, recount the myths and sagas of culture heros and revered ancestors.

One by one, assisted by Pastor Abraham Williams, these ramage members of the Kalokuokamaile-Kamehameha Lineage initiate the veneration of ancestral authority by stepping forth and placing gifts at the tomb during this rite of presentation of tribute offerings in an exchange with anticipated blessings from the Deceased.

Next, each member of Kekaaniau's line, addressed by ceremonial title and name, will preside over the festivities in Queen Keopuolani's honor that follow. After being led to be seated at a special place, they are served in a ceremonial manner, as a signal to the congregation for the commencement of feasting, as it were, in the ancestral presence.

This is followed by prayers, chants, hula dancing, music, speechmaking, and other entertainments.

Last, this memorial festival preceding services culminates in informal socializing in which ALL ARE AS ONE in the sharing of food, espirit de corps, beliefs, ritual, and a love of tradition. This sharing and conforming to the sway of custom is done in satisfaction of deep religious and moral wants that make for cohesiveness and self esteem, just as the pursuit of ritual and sacred history in the West provides society with an orientation and reassurance to make the world more intelligible, the foregoing enables Native Hawaiians to view the world through the spectacles of their own indigenous culture in which the call of legitimism and tradition is indispensable.

So, Heidenreich, a community librarian of Hawaii for many years, aptly alludes to the functionalistic ethnologist, Bronislav Malinowski, when he asks who else but Kekaaniau or her descendants "could rightfully uphold the 'mythical charter' that justified the socioeconomic system of Native Hawaiian culture?"[93]

Malinowski's warrant or charter of antiquity and sanctity, which anchors down a culture is that set of values, myths, beliefs, which legitimize any activity(such as religious rites) and serves the function of filling the integrative needs of culture.[94]

The traditional culture of the Native Hawaiian people has its integrative needs. Like the religious or divine element in T.S. Eliot's alienated, chaotic, and fragmented "Waste land", the Institution of the Alii Kapu(that is, of the Sacred Queen Keopuolani) is upheld by her guardian-retainer-survivors.

These descendants, through Elizabeth K. Pratt, the last pre-emptory heir of the pool of eligibles for succession, having survived the errosiveness of alien contact that began two centuries ago, now provide a framework for traditional Hawaiian culture with the function of filling its cohesive, cooperative, and integrative needs. They thus assume SPIRITUAL ROLES in which all are as one, in place of the exclusive and westernized TEMPORAL ROLES that ended with the reign of Liliuokalani.

To conclude, Kamehameha I, the Conquerer, on the advice of the Council of Chiefs, laid the foundations of the Kingdom of Hawaii, by which the concept of a supreme spiritual and temporal authority over the entire island group was upheld. Under a system apparently modeled from superceded prior kingdoms, but restructured to fit the new order, Kamehameha I, allied with his official or state wives of the highest recognized chiefly rank, provided a framework from which the ramage members of the constitutional monarchy's eligible pool derived the right to sovereign rule.

Authenticated by Kamehameha III, the last absolute and sacred King, and founder of the constitutional monarchy, on the advice of the chiefs or nobles in Council, and/or sanctioned by the Estates of the Realm in coalition with the Official Royal School, the eligibles for the succession were screened and groomed in the public interest, to meet the demands of civilized powers in maintaining Hawaii's improved international position in the Family of Nations, and were thus deemed fit to rule.

Under the constitutional monarchy, they formed a pool from which new monarchs would be drawn by the king makers in default of proclaimed successors, to be the stirps of new royal lines. One by one, by order of genealogical priority among themselves, they would be drawn in case of a failure in the succession by the electoral body regulated by the prescribed requirements of common law tradition to be reconfirmed for the throne.

According to their respective priorities for kingship, the proclaimed successor,

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[93] Ibid.

[94] Elvin Hatch, Theories of Man and Culture(New York: Columbia University Press, 1973), pp. 322-323.

Kamehameha IV, and the pre-emptory successors, Kamehameha V and Lunalilo I, of this eligible pool were universally accepted as rightful monarchs. Thus, national unity on this score remained intact under their reigns.

But the election of Colonel David Kalakaua, backed by American commercial interests, the ensuing riot and rebellion that had to be put down by U.S. and British troops, and allegations of a sham election(recorded in the Report of U.S. Commissioner James Blount), which would cloud Kalakaua's title to the Crown, divided the people. For the first time in the history of the constitutional monarchy, the defacto and dejure spiritual and temporal authorities were not perceived by a substantial portion of the population to be the same person.

Later, the Aki scandal triggered a crisis and the near overthrow of Kalakaua, which the King avoided by his willingness to accept the role of virtual figurehead, sharing executive authority with cabinet ministers responsible to Parliament under the Constitution of 1887.

After Kalakaua's decease, his sister, Queen Liliuokalani, also triggered a crisis by contemplating a proposal for a revolutionary constitution, which would disenfranchise a large portion of White resident voters, while granting the monarch the greatest autocratic power since the creation of the constitutional monarchy.

Although Liliuokalani corrected this mistake by joining her Cabinet in issuing an official rejection of the proposal, and a promise to henceforth seek change only by due process, it nevertheless gave her more radical opponents the means and excuse to depose her.

Following the deposition of Liliuokalani in 1893, the new Provisional Government, unwilling to extend any more trial to the Kalakauas, rejected a proposal for saving the throne for the proclaimed successor, Princess Kaiulani, and abrogated the monarchy, thus facilitating annexation by which the People lost their independence.

In retrospect, one notes that in the combined reigns of Liliuokalani and Kalakaua, a period of almost twenty years, these overambitious constitutional monarchs (representing only one of the three Estates of the Realm), failed to extend the succession beyond their niece, Kaiulani, by either constitutional means or coup d' etat.

So, with the decease of Liliuokalani and of Kaiulani of the royal family proper, and in view of the failure to attach a line of succession beyond Kaiulani with the required majority vote of one session of Parliament and adoption by a two-thirds vote in the following session, the royal family proper, as defined by former Attorney General Neumann, would be clearly IN DEFAULT.

Meanwhile, of the monarchy's pool of eligibles deemed rightful heirs to kingship, who were screened and groomed for the throne, the sole survivor at the decease of Liliuokalani in 1917 was the Kamehameha Princess Elizabeth Kekaaniau Pratt.

Kekaaniau's line is the remnant of the sanctified ramage core of eligibles, formally recognized by order of Kamehameha III, the last absolute and sacred king, and

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remnant of the Institution of the Alii Kapu, which began under the monarchy with Sacred Queen Keopuolani.

Today, Kekaaniau's collateral survivors have a significant cultural role at the center of ritual life as CARRIERS OF TRADITION. With the call of legitimism and tradition, and ancestral authority behind them, they provide a framework for revitalizing authentic Hawaiian culture, while reinforcing its important features in ceremonial roles at religious festivals.

As an integrating force, they offer the possibility of a new beginning with the potential for bringing order to chaos in filling the integrative, cohesive, and cooperative needs of traditional Hawaiian culture through an aumakua-style spiritual bond with the people, in which ALL ARE AS ONE.

Certainly such lineage members, as traditional leaders ought to be represented on at least advisory councils to protect and preserve the indigenous culture of Hawaii. And beyond a mere consultative role, traditional authority, for example, as Norman Meller, Emeritus Professor of Political Science, suggests, might well be directed "Toward containing the disruptive anti-social behavior arising out of adopting Western ways." [95]

And as Meller concludes:

> Custom and tradition in many Pacific areas still remains strong and viable. If adopted by traditional leaders, more concerned with their communities than in honor and profit for themselves, here may well lie the answer to problems which are baffling the West.[96]

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[95] Norman Meller, "Role of Chiefs in a Changing Pacific", *Sunday Star-Bulletin and Advertiser*, April 7, 1984.

[96] Ibid.

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11. Racial Votes (In Hawaii).

and Japanese who came to the Islands were ineligible to citizenship. Before these two groups could participate in politics they had to wait for a generation born in Hawaii to become of voting age. In 1920 only one out of every ten adult Chinese was a citizen, and of the Japanese only one out of every twenty-five. Therefore, those races have not had the same opportunity in government as the Hawaiians and the haoles. Again, some races have lived longer in the Islands and have secured a better foothold. Here the Hawaiians are at an advantage. The haoles are next, and they have suffered little handicap because it is they who have been the dominant race. As for the rest, Dr. Romanzo Adams, of the University of Hawaii, estimates that the average length of residence of the Chinese in Hawaii in 1920 was thirty-one years, of the Portuguese twenty-nine years, of the Porto Ricans nineteen years, of the Japanese fifteen years, of the Koreans fifteen years, of the Spanish nine years, and of the Filipinos four years.[1] As a consequence, although the Filipinos are the second largest group in the Islands, they can hardly be expected to participate equally in government.

Racial voters.—Our most obvious inquiry concerns the political strength of the various groups as compared to their numerical strength. Chart I, on the opposite page, is a graphic illustration of the number of registered voters by each race from 1902 to 1926. One glance will show that the dominant political race has been the Hawaiian. It shows also the recent increase in Oriental voters, and the fact that in 1926 the number of Japanese for the first time exceeded the number of Chinese registered voters. When we look at Chart II on page 68, we discover that,

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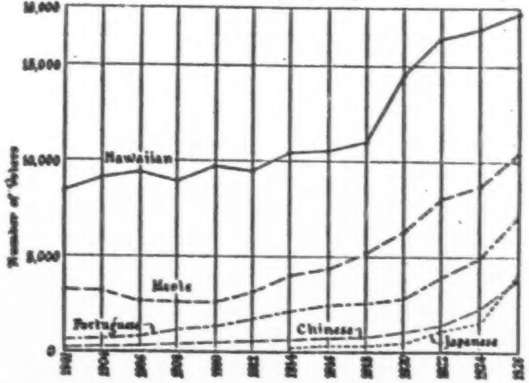
[1] Romanzo Adams, *The Peoples of Hawaii* (Institute of Pacific Relations, Honolulu, 1925), p. 13.

whereas the Hawaiians have been the most numerous among the voters, their comparative importance has been steadily decreasing, until by 1924 they were for the first time not in an absolute majority. This long predominance of the Hawaiian race to a certain extent prevents our figures from having the interest they would have if the races were more nearly equal in strength. The relative influence of the haoles and the Portuguese has, we see, been nearly constant, while the voters of Oriental ancestry have been steadily increasing.

CHART I

VOTERS BY RACES, TERRITORY OF HAWAII, 1902–1926 (FROM *Governor's Report*, 1926)

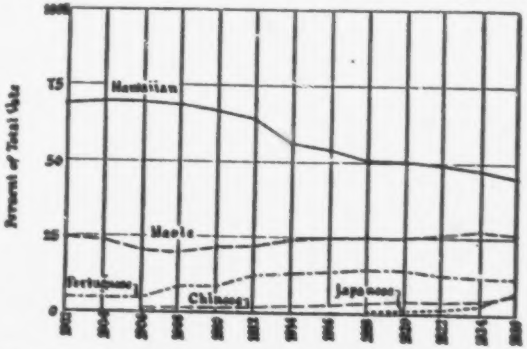


Now what percentage of each race entitled to register does actually register to vote? That question is not an easy one to answer, for there are many factors involved.

Some people fail to register because of illness, others because they have not lived in a precinct long enough to fulfill residence requirements, and still others because they do not care to vote. Any estimate is, after all, just an estimate. Dr. Adams ventures the opinion that, of the total number of each race entitled to go to the polls, the following percentages did register to vote in 1922:[3]

CHART II

Percentage of Voters by Races, Territory of Hawaii, 1902-1924



	Percentage Registered Men	Percentage Registered Women
Hawaiian and part-Hawaiian	87	75
Portuguese	61	24
"Other Caucasian"	74	59
Chinese	52	14
Japanese	73	7

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[3] *Op. cit.*, p. 16. In the table "Other Caucasian" refers to the group we are calling "haoles."

A great many whites in the Islands are not included in the estimate of "Other Caucasian" because they are members of the army and navy colonies and, while they are citizens of the United States, they are not citizens of Hawaii and are therefore not entitled to vote. To understand why so few Orientals who can register do so, it is necessary to observe the registration policy of election officials in the territory. Up to 1922 it was the custom to require documentary proof of Hawaiian birth before any person of Oriental ancestry was allowed to vote. It was this necessity which was largely influential in causing the territory to issue birth certificates, which we shall discuss in chapter vii. The expense of these documents was so high as to be almost prohibitive, and as a consequence many men, and more women, of the Oriental races were deterred from voting. But beginning with 1922 the county clerks have been more liberal. At present the Honolulu clerk allows Orientals to register on presentation of a statement from the board of health that a certain child was born, at a certain place, on a certain date, but gives no indication that the statement refers to the applicant. As time goes on and Chinese and Japanese voters increase in number, clerks are likely to be more and more lenient; because when these races become powerful political factors it will be well not to offend them by being too inquisitive.

Another way to discern the relative political influence of the different races is to observe what proportion of the total race population is registered to vote. We have just discovered the ratios of those registering to those entitled to register; this will show us which races have the greatest influence in comparison with their total number. The following table shows the percentages of each race which have been registered since 1916:

12. Hale Mohalu, Stadium (Relation To Politics).

Hale Mohalu Stadium

Wednesday, May 9, 1984 Honolulu Star-Bulletin A-15

As something of a "capital watcher" and somewhat as a long-time lobbyist, I am frequently asked "Aren't you disillusioned by all the politics, all the defeats and all the game playing?"

My reply is that despite the mixed bag of defeats and victories I have not been disillusioned. Disappointed and disheartened, of course, like everyone else.

But now after this Legislature's rejection by Hale Mohalu supporters to set aside a mere 2½ acres for a residential care center disillusionment has set in. Nonetheless I still have faith in the legislative process, for I know of none better, defective as it may be.

As long ago as 1975 the move for a Little League stadium was made with the appropriation of $50,000. Site unspecified. Only two years later, Hale Mohalu patients were moved out of their Pearl City site by the state Department of Health.

Most acquiesced after threatened with deprivation of food and medicines. A handful of stalwarts stalled the state until the bulldozing of their buildings six months ago. The siege was over but the need for a care-center remained.

It was at this point that Pearl City sports advocates lost no time in gearing up to prepare resolutions requesting the 11 acre site be turned over to a non-profit group for youth and recreational activities.

To support this, a hastily (but legitimate) organized Pearl City Youth Athletic Association (PCYAA) was formed. A list of its supporters includes the names of the two introducers of the above-mentioned resolutions, Rep. Clarice Hashimoto and Sen. Joseph Kuroda.

Other Pearl City area legislators listed as supporters of PCYAA are Reps. Eloise Tungpalan and Arnold Morgado and Sen. Ben Cayetano.

Not easily overlooked is the name of James Kumagai for beneath his name is spelled out "Chairman, Democratic Party." Coincidentally or otherwise, Kumagai was the deputy director of the state Health Department at the time of the early eviction process.

At the public hearings on the two resolutions, Hale Mohalu Ohana supported both but requested they be amended to include a modest 2½ acres for the residential care center. This would be financed by non-profit church-oriented groups.

The first disillusionment was the committee chairman, Calvin Say, asking not one single question of any of the testifiers during the hour-long hearing. Equally silent was resolution sponsor Hashimoto.

The decision making which followed the hearing took under two minutes, and the decision obviously had been made long before since it made no allowances for the Hale Mohalu request.

This was despite the fact the ohana supporters outnumbering the PCYAA advocates at the hearing by 5 to 1.

The hearing of Kuroda's identical resolution had the advantage for PCYAA of being referred to the Senate Committee of Tourism — headed by Kuroda.

On the Senate floor, it is to the credit of 10 legislators who supported the Hansen Disease patients' request to share the property. Among the 15 senators who rejected the amendment were five Republicans who conveniently handed the administration what it has wanted all these seven years.

It is further disillusioning and mystifying as to why certain senators who in 1979 strongly supported the appropriation of $600,000 for a care-center now reversed themselves, and this time it would have been cost-free.

Sen. Neil Abercrombie's efforts to see the land shared, and patients given an opportunity to return to a home site that had been theirs for 35 years was heartening, but not enough to overcome the gloomy blanket of disillusionment and lack of compassion brought about by the value system of sports outweighing health care.

Emmett Cahill

13. The Hawaiian King.

THE HAWAIIAN KING*

(MOI, ALII-AIMOKU, ALII-KAPU)

By JOHN F. G. STOKES

(Formerly Curator of Polynesian Ethnology and Curator-in-charge of the Bernice P. Bishop Museum, Honolulu)

A study of the accounts of ancient and modern systems of Hawaiian government reveals a confusion in terms misleading to many of the non-Hawaiian members of this community. Apparent errors thus arising are being repeated in the official and unofficial text-books of Hawaiian history, and thus perpetuated in the schools. It is the purpose of this paper to discuss some of the terms used for Hawaiian royalty, and the systems represented, and to offer such suggestions on their origins as the Hawaiian information in hand may warrant.

Today in the Hawaiian language the term *moi* (*mo-i*, pronounced in English, "moh-ee") indicates "king", "majesty", "supremacy", etc. Fornander (11, pp. 64-7) applied it in 1880 in particular to the ruler of a whole island through "some constitutional or prescriptive right" regardless of "territorial possessions or power." This opinion was accepted in good faith by Alexander (1, p. 26) in 1891, by myself (35) in 1909, and by Kuykendall (25, p. 370) in 1926.

Fornander (11, pp. 66-7) also regarded the right and the term as introductions into Hawaii consequent upon the migrations of 1100 to 1300 A. D., "employed to distinguish the status and functions" of the island ruler from those "of the other independent chieftains of the various districts of an island—the *Alii-ai-moku*, as they were called." Such conclusions were based on

the absence of the term from the legends of the earlier periods, and the claim that "the very word itself, if it existed at all in the Hawaiian dialect, was never applied in the sense it afterward acquired. We look in vain through the Hawaiian dialect for any radical sense of the word *Moi*. It has but one concrete meaning, that of sovereign."

Other Polynesian philologists have also wondered about this term *moi*. It seems to belong as little to the rest of Polynesia as Fornander found it unattached to early Hawaii. In view of the fact that it was, and is, generally believed that the migrations mentioned were from southern Polynesia, the appearance of the term only in Hawaii has naturally been the cause of much speculation.

It is unfortunate that Fornander's views on this matter have had such wide acceptance. The present investigation indicates that: (1) The term *moi* was first applied to a Hawaiian sovereign, not about 1300 A. D. but in 1842, when it was used officially as a specific term for "Majesty." Its adoption was due to modern foreign influence. (2) On account of the native unfamiliarity with the new term, it was later applied indiscriminately for "majesty", "sovereign", or "king" and officially displaced the older term *alii* or *'lii*. (3) The term first appeared in print about 1832, in translations of the Scriptures, with particular reference to "The Divine Majesty" and thus may have been a recent introduction or adaptation from another language. (4) However, it may have been a Hawaiian sacerdotal or sacred term, unused in common speech, for the representation of the dominant Hawaiian god. (5) The Hawaiian term for "king" was *alii aimoku*, applied not only to the independent ruler of part of an island, but to the ruler of the whole of an island or of several islands. It pertained to the active or administrative side of Hawaiian royalty. (6) The "constitutional or prescriptive right" sought by Fornander may be found in the passive side of Hawaiian royalty, as the hereditary right of the *alii-kapu* or "divine chief."

It is also indicated by the present study that in Hawaii there were royal customs not found in other parts of Polynesia. Fornander seems to have sensed this fact although he did not state it.

"Moi" not in early histories

Had the term *moi* for "king" come into use by Hawaiians as

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It is a pleasure to acknowledge assistance and constructive criticism of the paper from Dr. P. H. Buck, Messrs. Bruce Cartwright, K. P. Emory, and W. F. Wilson, from Bishop H. B. Restarick and Rev. H. P. Judd, and especially from R. S. Kuykendall of the History faculty in the University of Hawaii.

early as 1300 A. D., it should have occurred in early writings, particularly those in the Hawaiian language. I cannot find it in the accounts of voyages and travels or in histories published in English up to 1847. For works in Hawaiian by Hawaiians, it is absent from histories written up to 1863. These include (a) the important contribution written in 1840 (28, p. 18) by David Malo (27) who was born in 1793 and lived a quarter century under the old regime, and (b) the extensive collection of native manuscripts made by Fornander (12) probably between 1860 and 1875, and recently published by the Bishop Museum in three large volumes.

The histories in Hawaiian by Dibble (8) in 1838, and the enlarged edition by Pogue (29) in 1858 use *alii* instead of *moi* for "king", as do practically all the other missionaries in their translations. Green (14) in the "Church History" uses *alii* for the Roman Emperor, for the Christ, for modern European monarchs, and for the King of Hawaii.

"Moi" a Scriptural term

In the translations of the scriptures I have so far been able to find the term *moi* only eight times, as shown in the quotations in Table I. They do not confirm Fornander. One translation, by Richards, uses the term as equivalent to "supreme." Seven translations are by Bingham for whom *moi* had the primary sense of "Divine Majesty." For "majesty" the other translators used *nani*, *hanohano*, and *ihiihi*. Richards prefers *nani*, but uses all the synonyms, while Bingham himself employs *hanohano* and *nani*. The translations were published about 1832.

Later, in a manuscript translation of the New Testament, Rowell (32) discarded *moi* in favor of other terms, as shown in Table I.

The term *moi* is carried in Bingham's vocabulary of 1832 as "sovereign" and "supreme", and in Andrews' vocabulary of 1836 as "a sovereign, applied also to Jehovah", and "supreme". Authorities are not given but, later, in Andrews' dictionary of 1865, all the definitions identifying *moi* with "royalty" are dependent upon Biblical references. It might then appear that the term *moi* in this connection was an introduction by the translators, who were responsible for many Hawaiian neologisms required for adequate interpretation. Most of them were drawn from Greek and Hebrew. However, friends searching these languages for the derivation of *moi* have so far reported against the probability of finding it there.

The possibility of its being derived from a Hawaiian sacerdotal term will be discussed below. For the present, it seems certain that as found in use it was an introduction or adaptation in 1832 for translations of the Bible. We may now follow its official adoption.

Official introduction

When Kamehameha I consolidated the island kingdoms under one head, a new term might have been expected for "the king" if the Hawaiians themselves were neologistically inclined. However, Kamehameha I and Kamehameha II apparently were content to remain *Ke Alii*.* Kamehameha III was equally so, but in the latter part of his reign, apparently, it was decided that the dignity of Hawaiian royalty required bolstering up, and the term *Ka Moi* was officially introduced to indicate "His Majesty." This was after Kamehameha III had voluntarily yielded his absolute power and granted a constitutional government. We may definitely establish the date of the change by running through official documents.

In 1841, the constitution, and the laws which followed it, were published (16). In these the term *moi* is not used, and the official title of the king, prescribed for royal address in the second law, is *Alii*, thus: "Na ke Alii nui, na Kamehameha III" (To the king—or to His Majesty—Kamehameha III). The title page carries the name "Kamehameha III" without further dignification. The term for "king" throughout the text is either *Alii* or *Aliinui*, except that it is stated that "Kamehameha I was the head [*poo*] of this kingdom."

In the manuscript proceedings of the legislative council from April 1841 to April 1843, the term used is *Alii* or *Aliinui*, whether applied to Kamehameha III or to foreign sovereigns. The publication (18) of the laws enacted in April 1843 contained many references to *ke aupuni* (the government, or kingdom), but not to "the king." At that time the control of the government was in the hands of a commission.

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*Mr. W. F. Wilson has drawn my attention to the inscriptions on the coffins of Kamehameha II and his queen (Byron's Voyage of the Blonde, London, 1826). In these *moi* is not mentioned, but "Elii", namely *Alii*, is given three times.

Appearance in 1842

The council met in Lahaina until April 1843. In August of that year, it met in Honolulu. The published title (19) of the new laws then enacted carried the authority of "Ka Moi Kamehameha III, Ke Alii o ko Hawaii nei Pae Aina" (His Majesty Kamehameha III, King of these Hawaiian Islands). Consideration of this and the facts preceding indicate (1) that the term *Moi* was first officially recognized between the years 1841 and 1843, and (2) that it was probably not familiar to the Hawaiians themselves.

Running through the early State correspondence (13) for about ten years prior to August, 1843, letters are to be found addressed to the Hawaiian king by the many resident consuls, captains of war and mercantile vessels, Catholic missionaries, Hawaiians, and many others. Some letters are originally in Hawaiian; others are translated into Hawaiian. In some there is such informality of address as "My dear King". However, a general tendency towards formality is maintained, and "Majesty" is variously rendered. In addition to the usual Hawaiian address to royalty, *E ke Alii*, "O King", there is found *E ka Haku*, "O Lord", *Mea Kiekie*, "Exalted One", or *Mea Hanohano*, "Honored One",—the last apparently gaining in favor. The variation implies that some definite term was sought.

Among the papers mentioned, the term *Moi* indicating "King" is not met with at all; indicating "Majesty" it appears for the first time in the translation, into Hawaiian, of a letter (13a) dated September 1, 1842. The translation is of particular interest because it is in the handwriting of an American, G. P. Judd, appointed on May 15, 1842 as official translator and recorder (1, p. 332 and 16 a, p. 200). Apparently it marks the first official use of the term.

The earliest publication (23 a, p. 54) applying the term to a Hawaiian monarch appears to have been on October 25, 1842, in a vernacular newspaper edited by a missionary. This gives a translation (apparently by the official translator) of a letter from America to the king.

Similar translations were made in two publications in 1843, which give Judd as the translator. In these, the correspondence and speeches relating to the provisional cession of the kingdom

(13 b) and to its restoration (13 c) were given in English and Hawaiian. It is worthy of note that in the earlier of the two, "Majesty" is once rendered *mea Hanohano*, and is twice ignored in the Hawaiian—irregularities which suggest new usages. Obviously the term was newly applied by the official translator about this period.

Possibly the new application began with the translation of the letter of September 1, 1842. The Hawaiian term *alii* was used for "sea-captain" as well as for "king", and a specific term for "majesty" was desirable. *Hanohano*, then coming into vogue, was needed for another purpose in official language. For instance, the letter opens with: "I have the honor to inform your Majesty that . . . ", which the translator renders gracefully as "Ua hanohano wau i ka hoike aku ia oe e ka Moi penei . . . ". *Moi*, as "sovereign" was already in the vocabulary published in 1836 as a result of missionary labors, and *hanohano*, released from other service, could be used fittingly for "honored."

Not a Hawaiian choice

So far as we have followed the use of the term, it is evident that *Moi*, applied to a Hawaiian monarch, was an introduction into the Hawaiian language by one not of Hawaiian birth. Contrary to Fornander's statement it was not applied to their kings by the Hawaiians, to whom the term *alii*, with its qualifications, conveyed the full idea of royalty. As Jarves explained (see below) the governmental advisers desired to teach the natives foreign court formalities. If we follow the course of *moi* into Hawaiian official language, we will find that the Hawaiians while trying to cling to their own term *alii* for "king", first attempted to use *moi* for "majesty" as newly taught, and then gradually applied it as a synonym for "king"—the way Fornander found it later.

From August 1843 onward the published title pages of the laws carried the phrase "Ka Moi Kamehameha III, ke Alii o ko Hawaii Pae Aina." But it required time to secure acceptance of the new term *moi* by the Hawaiians, except as a matter of extreme formality. For instance, while the record (17) of the legislative proceedings of May 6, 1845, is headed by the statement that they were gathered together at the command of *ka Moi*, the term *ke 'Lii* is used in the body of the report. In addition, there is spread on the records a letter in which Kamehameha III signs himself as *ke 'Lii.*

New Formalities

Alexander notes (1, p. 255) that on May 20, 1845, "the legislature was formally opened for the first time, by the king in person, with fitting ceremonies." It was a noteworthy occasion, rendered especially significant by the announcement then made of the appointment of ministers of state and the acknowledgment of Hawaiian independence by the great powers of the world.

In the council meetings of May 13, 15 and 19, the preparations for the royal formalities (*ano Alii*) had been discussed, the term used for "king" being *Ke Alii* or *ke 'Lii.* Minister G. P. Judd had charge of the arrangements and on the 15th outlined the plan "of the king's attendance . . . with all his glory [or majesty]" (*o ko ke Alii hele ana . . . me kona nani a pau,* as the native scribe has it.) On the 19th, when the arrangements were being approved, the term used for "king" was still *ke 'Lii.* However, other ideas were stirring: in one place appears the expression "ke 'Lii Hanohano Kamehameha III," and in another, "H. H. M. Kamehameha III, ke 'Lii", the last being a hybridization for "His Hawaiian Majesty Kamehameha III, the King."

On the great day, May 20, the unusual formality made the native recording clerk nervous over his responsibilities. He opened (18) with the statement: "Hele mai ke 'Lii" (The King arrived), and followed in the next paragraph with "Heluhelu ka Moi Hanohano Kamehameha III i kana Palapala" (His Glorious Majesty Kamehameha III read his address). The body of the record generally carried the term *alii,* but the addresses prepared beforehand maintained the formality, although there were some irregularities: "ke 'Lii Lokomaikai loa ia Victoria ka Moi Wahine o Beretania" (the most Benevolent Sovereign Victoria Female Majesty of Britain). In the following we get the Biblical influence: "Ke Akua mana loa, ka Moi o na Moi, ka Haku o na Haku" (the most powerful God, King of Kings, Lord of Lords). The closing address ended with "Na ke Akua e malama i ka Moi" (May God preserve the King, or, Your Majesty).

As the legislature continued, new expressions are to be noted, such as "E oluolu ka Moi" (May it please your Majesty) and "Ka Moi, ke Alii" (His Majesty, the King). In the discussions, *Alii* was frequent, but there were valiant attempts to say *Moi.* As the new laws were printed, however, the editor seemed to be careful to use the term *Moi.* An exception is to be noted. In the laws of 1856, every preamble carries the authority of *Ke Alii* instead of the almost familiar *Ka Moi.*

Not used by Judiciary

There were other exceptions. W. L. Lee, who placed the judiciary on its feet (1, p. 258) and later became chief justice, gives (26, iii) as his authority for preparing the Penal Code published in 1850, the following: "Mamuli o ka ke Alii kauoha iloko o kana Aha" (In accordance with the King's commands within his Assembly. Lee may have been guided by a lawyer's precision in language, or possibly he wished to be understood by the bulk of the Hawaiians.

Even as late as 1864, apparently, the term *Ka Moi* had made little progress outside official circles. Kamehameha V, who leaned towards absolutism, promulgated a new constitution, in section 34 of which (20) he explained that "The Moi is the Alii Nui over-all the chiefs and people. The kingdom is his." This is approaching Fornander's value of the term. It seems certain that the natives themselves never regarded it as more than a synonym or substitute for their old term for "king." The following translations from Kamehameha V's Constitution will serve for illustration:

Section 41. The *Moi* will appoint . . . who will remain during the pleasure of the *Alii.*

Section 42. The *Alii* will appoint . . . who will remain during the pleasure of the *Moi.*

Foreign influence revealed

Fortunately, Jarves the historian was editor of the government newspaper during the famous opening of the legislature on May 20, 1845, and throws much light on the unusual ceremonies. In half a page of his history (21, p. 197) he explains that "it is the desire of the advisers of the king to prepare for the nation a polity of forms" compatible with those of "official order and etiquette as they exist in more advanced countries." "Thus many forms and ideas are introduced, which although in the outset appear disjointed and crude, yet by practice conduce to useful results." Jarves does not specifically mention any new term, but there is little question that *Moi* for "Majesty" was thrust into official use at this time together with the other new formalities. The advisers referred to were of foreign birth (1, p. 332).

If to the preceding I may add current observations, I will state that the older Hawaiians still use the term *Ke Alii* instead of *Ka Moi* in reference to the king. Most of them are of the opinion that *moi* is modern. I am strongly guided by the view of the historical authority Mrs. Lahilahi Webb (38), who regards the word as foreign, because of its unusual pronunciation.

In this review, we have found that the term *moi* for "king" or "majesty" was not in use by historical writers of Hawaiian blood, writing as late as 1863, nor is it in general use among the older people today. In other words, it did not belong to the native language, official or common.

Its first official appearance, in 1842, was an introduction through foreign influence.

Origin of error

This showing cannot be integrated with Fornander's idea that it was adopted by the Hawaiians in the fourteenth century. I believe that Fornander was misled by the language of his environment.

In the last quarter century of the monarchy, we find *Ka Moi* and *Ka Moi Wahine* well established as terms for King, Queen, Sovereign, or Majesty. Today, in sight of the main street of Honolulu, King Lunalilo's mausoleum bears in large letters of gold, the following inscription:

LUNALILO
KA MOI
1874

All this belongs to the official circle within which Fornander moved during the time of his intensive studies.

Fornander's authorities

His principal Hawaiian historical authority was S. M. Kamakau (23) who served in the legislature many times between the years 1851 and 1876 (37, p. 44). I cannot find that

Kamakau makes the same statement concerning *moi* as does Fornander, but he uses the term loosely and irregularly. Predisposed to the magnificent and the spectacular, he frequently applied the term *moi* to the early Hawaiian kings, especially in his later writings. In the first few of his articles, however, he consistently used the term *alii*. He wrote continuously in the native newspapers between 1865 and 1871.

Another historical associate of Fornander was Kepelino, to whom is attributed a manuscript history of Hawaii written in 1868 (24). It gives as though ancient the order of the Hawaiian government as conducted after the death of Kamehameha I, and placed the *Mo-i* at the head. The term as explained by him was composed of two words, *mo*, a "container for words", and *i*, "to speak." "Therefore the king was called a *moi* because it was his to command." No Hawaiian authority, ancient or modern, will confirm this statement, nor the identification of the term *mo*; furthermore Hawaiians point out that it was not their nature to analyze terms in this manner.

Apparently Fornander was led astray through conclusions drawn from the prominence of the term *moi* in the modern official vocabulary, and the use made of it by Kamakau and Kepelino.

Early terms for "king"

In a search for terms in Hawaiian for "king" or "chief", it will be found that the first written record was that made at Kauai in 1778 by Cook (6, II, 216) who wrote "hairee", namely, *he alii*. Later, Lieut. King (6, III, 153) noted that rank was in three grades: "The first are the Erees, or Chiefs, of each district; one of them is superior to the rest, and is called at Owhyhee Eree-taboo [*Alii-kapu*] and Eree Moee [*Alii kapu-moe*]. By the first of these words they express his absolute authority; and by the latter, that all are obliged to prostrate themselves (or put themselves to sleep, as the word [*moe*] signifies) in his presence." As King observed, Terreoboo or Kalaniopuu, then king of the island of Hawaii was such a chief.

The *moe* or prostration tabu had already been observed by Cook on Kauai, and King's explanation of the term "Eree Moee" makes it clear that the reference is to the *alii-kapu* class of chiefs with the *kapu-moe* privilege carrying the highest degree of prescribed postural respect. It is unrelated to *moi*, or to *alii moi*, the modern descriptive title. With the *alii-kapu* is associated the phrase which marks the ruler as "king by divine right", to be discussed later.

The terms for "king" appearing in the native writings* (cf. p. 3 above) are: *Ke Alii* (The Chief), *Ke Alii Nui* or *Ke Aliinui* (The High Chief), *Alii aimoku* (Chief possessing the island, or province), *Aliinui aimoku*, and *Alii ai aupuni* (Chief possessing the kingdom, or government). There are other variants or descriptive qualities attached to the term *alii* including the abbreviated form *'lii*. In poetry, and in respectful or affectionate address, the term *Lani* (Sky, Heaven) is found; occasionally, though rarely, it has the qualification *aimoku*, as used in the Lament of Kahahana: "He lani aimoku, he alii no ka moo" (A reigning king, a sacred chief in the genealogical line).

For the designation of "the king" the qualifications are necessary. *Alii* and *Lani* are also applied to the numerous members of the chiefly caste, so that *Ke Alii* or *Ka Lani* might refer to a minor chief, a high chief, or the king. Standing without context, either term would indicate the king. The term *alii ai aupuni* is rare, and may be merely descriptive.

The "alii aimoku"

The earliest reference to *alii aimoku* in tradition might mark it as belonging to the period of Liloa (ca. 1525 A. D.): "He 'lii nui aimoku o Liloa no Hawaii a puni" (Liloa was the king of the whole of Hawaii Island). This application of the term is more descriptive than titular and the record (12, IV, 178-9) being recent, it is possible that the title originated later than the time of Liloa.

The qualification *ai-moku* is also descriptive. *Moku* is applied to "an island", "a land division", and other things. *Ai*, normally interpreted as "food" has the nuclear concept of "absorption". Hence, in the older dictionaries it is interpreted as a verb for "eat" and "possess". In the latest dictionary the compound *aimoku* is translated as "to conquer."

With Malo the term *alii aimoku* is titular in the direct sense of ruler or administrator, applied not only to temporal but to spiritual matters—in brief, "the high executive." Malo uses it particularly when he mentions the king in discussing civil affairs of state.

The military side predominates in Hawaiian temporal power, and we find the *alii aimoku* to be also the warrior king. Malo (27, XXXVII, 122) notes that "If the king [*alii aimoku*] is killed in war, he is placed in the sacrificial temple [*luakini*] and offered up by the other king [*alii aimoku*]." The *luakini* class of temple may be used only by the king or independent chief (28, p. 212).

Malo (27, XXII, 4) also states that cloaks made of the *mamo* feather belonged to the *alii aimoku* as his war cloak. But one feather cloak of this type has been identified—that of Kamehameha I.

In the administration of spiritual matters, namely, the services at the national temples, it is found that the presence of the king or his deputy is essential, and during the most sacred service, the priest alone accompanies him. The priest utters the incantations, but the king merely moves his lips. When the priest has obtained favorable auguries, he begs the king for a piece of land.

It may be a matter of surprise to find that the king referred to is still the *alii aimoku* (or administrative phase) and not the *alii-kapu* or sacred phase. I shall give two quotations from Malo (27, XXXVIII, 23-4) to illustrate this: "Of all the kings [*alii aimoku*] from the ancient times to that of Kamehameha I, not a single king [*alii aimoku*] was irreligious." Malo further adds that "If any king [*alii aimoku*] were neglectful about worship, it was believed that the kingdom would pass to a king who was punctilious in worship." In brief, it is stated that the subjects were much gratified with a religious king, because they believed that his devotions brought prosperity to the land and success in war.

From the references given it is apparent that not only did the term *alii aimoku* apply to the king as the supreme administrator in temporal and spiritual matters, but also that Kamehameha I and the kings preceding him were regarded by Malo as *alii aimoku*.

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*Mr. R. S. Kuykendall has given me the following quotation from Kotzebue's Voyage (London, 1821, III, 245-6) in which Chamisso, naturalist of the expedition, notes the terms used in 1816 and 1817:

"The word *Hieri, jeri, eriki, ariki*, or *haraki* (*chief*), is best to be translated by lord. The king is *Hieri ei Moku* [*Alii aimoku*], the Lord of the Island or Islands. Every principal prince or chief is *Hieri Nue* [*Alii Nui*], Great Lord, and by this title Tamaahmaah, Kareimoku, Hauihanne (Mr. Young), are called without distinction."

Malo, however, did not restrict the term to the rulers of the entire island, although it might be so inferred. Since Fornander states that *alii aimoku* indicated the "independent chiefs of provinces only", we may combine the two and arrive at the fact that the term was applied by Hawaiians to any independent chief or king. In brief, its English analogue is "king."

Supremacy of the king

According to Malo (28, p. 84), Ellis, and other authorities, the Hawaiian king was supreme. His word was law. Malo (28, p. 79), however, occasionally mentions that the king's tenancy was contingent upon good behavior—a reference undoubtedly to political revolution. As shown, he was not merely the temporal but also the spiritual administrator.

In addition, the king was the sole proprietor of the land by right of inheritance or conquest (9, p. 423). He granted the occupancy of it to his relatives, friends, and other chiefs, the grant being revocable at his will (28, p. 79), at his death (11, p. 300) and at the death of the occupant (9, p. 429). A complete redistribution was thus to be expected at the death of every king. With the occupancy went an administration of the land which was independent, except for the king's requirements.

Land re-distribution, as a custom, did not necessarily imply that a family of chiefs might not become established in one district. Through friendship, intermarriage, or expediency perhaps, but with the king's acquiescence (cf. 9, p. 429), such occupancy has been noted as continuing for several generations. Opportunity was thus afforded for building up a military or political organization stronger than that of the king's immediate group, followed at times by rebellion and independence or even usurpation of the throne.

In land matters, conquest wiped out all preceding titles in favor of the victors, who divided the new possessions among their followers (9, p. 423). It was also the custom, as Malo observed, for the victorious king to kill the defeated king, when captured, and offer up the body in sacrifice. The relentless search for the royal fugitive sometimes continued for as much as two years after all fighting had ceased (11, pp. 201, 225, 348). In general, the defeated king died in the decisive battle. When it is noted by Malo (27, XXXVI, 8) that "Land was the principal thing sought by the kings through worship [*hoomana*]" and the significance of the term *alii aimoku* is given due consideration[*] it is evident that the pursuit and sacrifice of the defeated king was not so much for revenge as for the absorption of his title to the land. Such a conclusion seems more certain when the victim is frequently found to be a brother or near relative.

Of course under the system followed, land and power are inseparable, but it is possible that the system was not very ancient.

Land system not ancient

If we may read history in the legends Fornander followed, the conquest of Hawaii Island by Hua of Maui about 1100 A. D. did not affect land titles (11, p. 41). About 1400, Kalaunuiohua of Hawaii conquered the islands of Maui and Molokai and part of Oahu and captured their kings. He was defeated and captured on Kauai (11, p. 67). No land was held or partitioned by the victors, and no kings were killed. No other clear-cut conquests followed until the last half of the eighteenth century (11, p. 147) when Kalaniopuu of Hawaii seized part of Maui, distributing the land among his followers, and using it as a base for the attempted conquest of the whole island.

The earliest reference to the sacrifice of a king is also the first reference to land distribution. Two generations later, land-distribution on the king's death is noted as a custom. Throughout there was much internal strife and general departure from precedent. About 1550 the low-born Umi, with the aid of some priests, surprised, assassinated, and succeeded his half-brother, the rightful and high-born king (11, p. 78). The allegiance of some of the district chiefs was withheld from Umi, perhaps on account of his inferior birth, but they were conquered and their lands given to others (23). There was further rebellion and reconquest of the district chiefs in the reigns of Umi's son Keawenui and of Umi's grandson. Since land redistribution as a royal mortuary custom is said to have begun after the reign of Keawenui (11, p. 300), it seems highly probable that it arose as a result of successive conquests, and with it the absolute power and all-embracing possessions of the king.

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[*] cf. p. 11-13 above.

This later period appears to be distinctly un-Polynesian. For instance, land titles were hereditary within the tribe in New Zealand, or within the village community in Samoa, or within the upper and lower chiefly families in Tahiti. Conquest might, but did not necessarily make a change in these titles. The title *alii aimoku* is limited to the Hawaiian Islands, while the absolute power ascribed to the Hawaiian kings is greater than that of the southern Polynesians. At the same time, there is enough to be observed in the earlier and later Hawaiian periods to indicate that its system of aristocracy was basically connected with that of the Society Islands.

Prescriptive rights

Fornander correctly sensed the fact that there was some "constitutional or prescriptive right" by which the Hawaiian king theoretically could or did keep in control the provincial chiefs of greater power or wealth than himself. This right does not appear in our examination of the *alii aimoku*-ship which, apparently, was the might of the mailed fist. If we look closely, we find that the functions of the king as *alii aimoku*, whether in temporal or spiritual matters, are entirely active. Circumstances may arise which will lead to his displacement if he becomes lax.

The "right" detected by Fornander, but incorrectly applied, was the passive one present in the king as *alii-kapu* or tabu chief whose power existed through his identification with the great gods—through the right of inherited divinity.

In this part of the study we are handicapped through the acquired condemnatory outlook of our principal informant. David Malo, whose judgment, as his translator (28, pp. 6-7) points out, became warped through his new ideas on religion. Malo rejected the fascinating series of Maui myths because he would "repeat no lies" (28, p. 322). He, perhaps, was the authority for revealing the royal Hawaiian genealogy, which is treated as though all the ancestors were human beings. Since the other Polynesian genealogies are cosmogonies in their earlier stages, and the names and actions of the characters, similarly placed in the Hawaiian genealogies, agree with those of the cosmogonic characters in the other genealogies (36, p. 13), we must read Hawaii through the rest of Polynesia. This is necessitated through the fact that in Hawaii as in other parts of Polynesia (36, pp. 5-6) the genealogies were sacred and secret, and although the significance of the sacred portions has been, under changed conditions, revealed elsewhere, it was not done in Hawaii. The attitude towards the old in Hawaii which Malo and his instructors displayed was such that no keeper of the sacred genealogies could acquaint them with all the accepted details. We must therefore derive the Hawaiian kings from the ancient gods, the record of, which is the royal genealogy, preserved, as Malo (28, p. 81) points out, with the greatest care. In Malo's idea (28, p. 87), also, failure to maintain a genealogy might lower an *alii* to the status of a commoner, since apparently it was only the genealogy which established the *alii*-ship.

Whether gods or *alii* or commoners, they seem to depend upon *mana*.

Mana

Mana is described in the dictionaries as "might", "supernatural power", "divine power of God", "spirit", "energy of character", etc. all of which are variably applicable. *Mana* is ever present, and in all objects animate and inanimate. If we are content to regard it as analagous to the power of God, the supreme source, as in the Christian concept, further definition is unnecessary. Otherwise we may draw an analogy with electricity, a vast but indescribable fund of latent power and energy, which may be motivated by various agencies, including human, and, what is more important to observe, may be drawn on and directed by human effort. *Mana* however may vary in quality, or, more likely in force, according to the degree of its concentration.

Under the influence of great *mana*, man becomes superhuman, with a capacity for accomplishment limited only by his *mana*. Without *mana*, he is but a clod, or a shell. However, the shells vary in quality. That of the commoner is of low grade, because his genealogy is not established. The shell of the chief must be of high potentiality because it is identified through the genealogy with that of the gods.

Hoomana

The terms *hoomana* and *haipule* have been generally translated as "worship." Other interpretations of *hoomana* are: "to ascribe divine honors", "to cause one to have regal power." In the term, we may recognize *mana* with the causative *hoo*. *Hoomana* is accomplished through *haipule*, meaning "recitation of *pule* or prayers", the "prayers" being found upon examination to be less supplications than magical incantations, sequences of names and allusions as though the spoken word drew out the *mana* and directed it in the stream of the incantation.

Without *hoomana*, apparently, none of the Hawaiian gods now heard of, whether great or small, could exist. This is a clear indication of their shell phase mentioned, because the power to motivate them must be drawn from outside. The regularity of *hoomana*, which Malo states was required for the great gods, again brings up the analogy of electricity. The shell represents the storage battery, which on account of losses of power through usage and possible leakage, must be consistently recharged. The analogy is weak in the penalty phase for neglect of *hoomana*. In case of neglect, the god, although fading away, is supposed to inflict severe punishment (cf. 10, p. 24 and 9, p. 112). The analogy however is maintained if part of the *hoomana* be regarded as insulation upkeep.

Creating gods

If *hoomana* be essential to the maintenance or support of a god, why cannot a god be created by the same process? Malo (28, p. 142) states that this was done, both with the king's bones and with those of commoners. The king's bones alone were given very special treatment that they might become an *akua maoli* (real god). It was the type of god termed *akua aumakua*, and a temple was made for it.

Malo gives few details concerning the creation of gods by men. Since he regards *aumakua* and *unihipili* as similar, we may understand the process from J. S. Emerson's account of the *unihipili* (10, p. 4). The essential materials are the bones and hair of a near relative or friend. Over these, regular daily *hoomana* must be rigidly maintained until the spirit of the *unihipili* is strong and operative. It then becomes the friend and servant of its creator, and imbues him with superhuman power. If the *hoomana* be neglected, however, the *unihipili* spirit destroys

him. The term *aumakua* in general indicates a "steady, trustworthy servant."

The connection of the devotee or creator with the *unihipili* may be established through the relationship, or through the possession of the remains, or both, while the connection with the *unihipili* spirit enables the creator to reach into the vast fund of *mana* beyond.

Andrews defines *akua-aumakua* as "the ancestors of those who died long ago, and who have become gods; the spirits of former heroes." N. B. Emerson (28, p. 144) states that the great gods of Hawaii, namely, Ku, Kane, Kanaloa, and Lono, were spoken of as *akua maoli*, and also affirms (28, p. 157) that they were *aumakua*. J. S. Emerson (10, p. 16) states that these gods were "sometimes regarded as *aumakua*, particularly by the highest chiefs." It might then seem that these great gods are but the royal ancestors projected into the past and magnified through the accumulations of *mana*. In Maori sacred tradition (34), Tane (Hawaiian Kane) as the great procreator and aided by the enchantments of his brother gods, becomes the biological human ancestor. His personification is Tiki, or Ki'i as carried in the Hawaiian genealogies. The circle might thus seem to have been completed. However, I do not feel too sure of the analogies since they may be drawn from more than one religious or philosophical system.

Identity of kings and gods

Whether the great gods are concepts or projections, *hoomana* is essential for their maintenance, so that the country as well as the king may be benefitted and not injured. The benefits, apparently, are to be obtained through the establishment of the identity of the *alii-kapu* element with the great gods, which is done by means of the carefully preserved genealogies intended to prove the purity of the *alii's* descent (28, p. 81).

This identification with the great gods by means of the genealogy might seem to have been the principle of Hawaiian temple worship, or the core around which the services centered.

As in the English term "lineage" and as used by the Mauris, the Hawaiians apparently symbolized the genealogy as a line or cord. *Aha* in Hawaiian is a braid composed of the fibers of the coconut husk—short compared with other fibers used, but in successive combinations making a continuous product. Such, of course, is also the genealogy.

Aha were also the important temple incantations, the name of which Andrews says originated from the analogy of the coconut fiber braid. *Aha* was also the acquiescence of the god indicating that the incantation was successful; unless "the aha were obtained" (*loaa ka aha*) all the many preceding services were without avail.

According to Malo (27, XXXVII, 95) the decisive service of the temple consecration was the *hoowilimoo*. Emerson (28, p. 245) records an incantation for the service addressed to Kane, in which the theme is the devotional offering of the sacred red braid Hoowilimoo (*ka alana o ka aha ula Hoowilimoo*) and the acceptable conclusion of the incantation. The service itself was held over a coconut fiber braid in the sacred Mana house of the temple. Emerson translates *hoowilimoo* as "twisting the *moo*" or lizard, although *moo* is an orthodox abbreviation of *mookuauhau*, "genealogy", (4) as may now be recognized. Evidently we have here a claim preferred by the priest of the king (who himself does not offer incantations) of the identity of the god and the king by means of the genealogy. Hence (28, p. 226) the priest's assurance of success to the king when the god's acquiescence is obtained. Similarly with the other *aha* services —the acquiescence of the god symbolized an acknowledged identity by means of the connecting cord or genealogy.

The identity being established, then the *mana* present in, or instilled into the gods is also the *mana* of the *alii-kapu*, and thus becomes operative for the benefit of the country.

Perpetuation ceremony

Of course, if intended for such a mighty purpose, the quality of the shell must be in accord. Such was in mind in the *hooman* (perpetuation) ceremony which Malo (*27*, XXV, 1-2) states was *hoomana* because it was believed that the kings were like gods in power (*mana*) and that "the begetting of children by members of royalty through the *hooman* was worshipping the gods [*hoomana i ke akua*]. It was only practiced for the first-born, because the first-born was believed to be [inherently] a chief of the very highest rank or sanctity." Malo (*27*, XVIII, 15) also notes that these firstlings were especially high-born so that they might occupy the throne, the *alii*-quality being increased through incestuous unions. The idea is present (certainly in modern times) that through such unions the rank or sanctity of the offspring was raised above that of either of the parents.

There were several degrees of *alii-kapu*, but the highest resulted from the union of full brother and sister in the direct royal line. The offspring of such "was called a god" (*ua kapuia ke akua*), with a sanctity requiring the prostration of the people. The intended parents, not allowed to form a first union with a low chief or a commoner, were mated for the day, the nuptials being under the aura of an ancestral god, while the priest chanted incantations for fertility from the union. These preparations apparently were sufficient to produce only a shell of an *alii*, for when the child was born, he had to submit to an "incantation to sanctify the chief" (*pule hoolaa alii*). The example preserved (22) forms a genealogical chain from chaos thundering down untold ages and world phases, through gods and human beings, to the princeling babe (36, p. 12). Thus even though the shell be of the highest quality, the *alii*-ship is not present until placed there through the incantation of the full genealogy, which affirms the *alii's* god-ship.

Respect for rights

The preceding sketch will, I believe, explain any prescriptive right of a politically weak king to hold a stronger vassal in check. It is less a matter of rights, perhaps, than a recognition in common that the *mana* of the vassal (a near relative) reached him through the *alii*-ship of the king—the direct divine heir.

Notwithstanding the alleged right, rebellions, *with the support of the priests*, by elder brothers of less tabu or by younger brothers, did result in placing the fraternal relative on the altar. Malo's wording[*] is of interest here because he states that it was the *alii aimoku* who was sacrificed. Presumably the *alii-kapu* being divine, could not die. His spirit not being individualized was still operative, being also incarnated in younger *alii-kapu*. This obviously was recognized by the powerful usurper, who is to be observed in history as taking the *alii-kapu* into his possession as soon as possible. If the *alii-kapu* be a woman, she is either married to the usurper, or to his son, and the direct line is thus continued. The *alii-kapu* and *alii aimoku* are thus again united in the one person. Meanwhile, since proxy is common in Hawaiian worship, the *alii aimoku* will represent the *alii-kapu* in his control.

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[*] p. 12 above.

The Hawaiian system seems to be a primitive form of that evolved in Japan and in Tonga.

Customs not ancient

The customs discussed above do not seem to be very ancient in the Hawaiian Islands. In tradition, the prostration tabu dates from 1650 or 1700 (11, p. 277). While the cosmogonic incest myth is found in Hawaii, the first incestuous union which seems to have historical standing is that of Umi with his highly born sister (ca. 1550 A. D.). Umi was the first to introduce plebeian blood into the sacred line, and his marriage was intended to elevate his descendants. Following Umi, inbreeding seems to have grown and, under the theory of increasing the sanctity, must have been intended to reconcentrate the essence of divinity scattered through contact with Umi's partly plebeian ancestry. Probably the term and institution of *alii aimoku* belongs to the same period. Apparent innovations in the traditional period are listed in Table II, with assumed dates.

The term *alii aimoku* later disappeared through non-use. When Kamehameha I conquered or acquired the whole group, the designation was no longer necessary. Soon after this, *alii aimoku* is found applied to district governors under Kamehameha, later being displaced by the present term *kiaaina*, "governor."

Thus so far as Hawaiian royalty is concerned, a completeness and self-contained symmetry of organization and terminology has been shown. Despite the convenience of the brief term *moi*, the old Hawaiians were unaware of it as a term for "king."

"Moi", an idol

Andrews (3) gives as a third definition of the term *moi*: "name of one of the idols in the *luakini* [national temple]." The authority for this was apparently Malo (28, p. 228) in his account of the building of the highest grade of temple. He speaks of the *moi* as the "lord of the idols."

Unfortunately we cannot now obtain the pronunciation of the term *moi* for "idol." According to Mrs. Lahilahi Webb (38), the Hawaiians had but two pronunciations for the word written "moi", namely, "mo'i" with the glottal stop, and "moi" with the vowels approaching the diphthong. Although similarly written, the words are very distinct in Hawaiian. Mrs. Webb was inclined to believe that, if it existed, the term for the idol was *mo'i*. Mo'i was the name of a very early, or a mythical priest.

The position of Malo's *moi* idol in the war or national temple corresponds with that of Ku, as observed by Cook's officers in 1779. This Ku, the war god, Malo stated was the most important god of the temple he was then describing. When the image intended to represent Ku is met with, Malo merely calls it *ke moi* "a *moi*", although Ku was the dominant national god in Malo's youth.

One explanation is that Malo, writing in 1840, or his informant, might have borrowed the term *moi* as indicating "supreme" from the missionary translations of 1832, or from the missionary Richards, his very close friend.

Possible derivations

If *moi* were an esoteric term for the supreme god, it may not have reached the people. Accepting for the moment Mrs. Webb's pronunciation "mo'i", it may have been caught up by the missionary translators with the gutteral break emphasized, as a synonym for "supreme" or "majesty." The over-emphasis of the gutteral break may have caused the perpetuation of the unusual pronunciation "mo-i" (moh-ee).

Starting again from the basis that the *moi* was the central image of the row of images, "the lord of the idols," and represented Ku the war god and spirit of the temple, we may find several possible derivations. From the Polynesian, only two suggest themselves. In Samoa (31), there is *mo'i*, "true, to be true." Closer perhaps are the Tahitian terms (7): *moi*, "the heart of a tree," and *moi-moi*, "aged, principal, steady old man."

In another direction we find (33) the Japanese word *moi* (with the long "o") "fury" which may be regarded as symbolic of war. The Japanese pronunciation of the Ainu term for "god" or "supreme" is *kamoi*, according to Professor Harada (15), who also points out that the Japanese term *kami* indicates god, master, head of the government or of the family. Philologically, the comparisons are irregular, and the solution of the enigma of derivation is not yet at hand.

For conclusions I may refer back to those outlined in the introduction, in substantiation of which the present discussions are offered.

TABLE I

Appearance of the term "moi"
in some translations of the Scriptures into Hawaiian

Year	Translator	Wording	Reference
		"The blessed and only Potentate, the King of kings and Lord of lords."	I Timothy, VI, 15
1832	Bingham	O ka Moi pomaikai hookahi, o ke Alii o na alii, o ka Haku o na haku.	
	Rowell	O ka mea mana pomaikai . . .	
		". . . principalities and powers . . . "	Titus, III, 1
1832	Bingham	. . . na moi a me na'lii . . .	
	Rowell	. . . na alii ana a me na mana . . .	
		". . . on the right hand of the Majesty on high."	Hebrews, I, 3
1832	Bingham	. . . . ma ka lima akau o ka Moi maluna lilo.	
	Rowell	. . . ma ka lima akau o ka ihiihi ma na wahi kiekie.	
		". . . a scepter of righteousness is the scepter of thy kingdom."	Hebrews, I, 8
1832	Bingham	. . . he hoailonamoi o ka pono ka hoailonamoi o kou aupuni.	
	Rowell	. . . he laaumoi o ka pono . . .	
		". . . the throne of the Majesty in the heavens."	Hebrews, VIII, 1
1832	Bingham	. . . ka nohoalii o ka Moi ma ka lani.	
	Rowell	. . . ka nohoalii o ka ihiihi ma na lani.	
		". . . whether it be to the king, as supreme."	I Peter, II, 13
1832	Richards	. . . ina ma ka ke alii nui e like ia me he Moi la.	
	Rowell	. . . ina he alii me he poo kela'ku.	
		"O Lord my salvation."	Psalms, XXXVIII, 22
1831-9	Bingham	E kuu Moi kuu mea e ola'i	
		"The scepter of thy kingdom is a right scepter."	Psalms, XLV, 6
1831-9	Bingham	O ka hoailonamoi o kou aupuni, he hoailonamoi pono no ia.	

TABLE II

First references in traditional period

Reference	Ruler	Assumed date	Comments
Alii aimoku	Liloa	1525	Probably lat
Sacrifice of a king	Umi	1550	
Land distribution after conquest	Umi	1550	
Royal incest	Umi	1550	
Land redistribution after king's death	Lonoikamakahiki	1600	
Kapu-moe, prostration tabu	Kauai royalty	1675	

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14. List Of Chiefs Participating In The Great Mahele
January 27-March, 1848

LIST OF CHIEFS PARTICIPATING IN THE GREAT MAHELE
January 27-March 7, 1848

Chief	Mahele Book Page	Chief	Mahele Book Page	Chief	Mahele Book Page
Kamamalu, V.	2	Nakookoo	58	Kapalu	84
Kamehameha, L.K.	8	Kalama	58	Kuakini, I.A.	86
Keohokalole	10	Kekuaiwahia	58	Kahaha	86
Kekuaiwa, M.	14	Paalua	58	Malo, I.	86
Konia, L.	16	Kanui	60	Kekuapanio	88
Keeliokalani, R.	16	Paukuwahie	60	Kahailiopua	88
Leleiohoku, W.P.	24	Kekai	62	Kanehailua	90
Kekauonohi, M.	26	Paniani	62	Pihana	90
Kekuanaoa, M.	30	Hueu	62	Kamaikaaloa	90
Ii, I.	30	Haumea	64	Hooliliamanu, N.	90
Kanaina, C.	32	Kuhio	64	Kalolo, L.	92
Namakeha, B.	32	Paia	64	Kaunuohua	92
Kaeo, J.	34	Kalua	64	Kaumealani	94
Kipa, E.	34	Kueliwai	66	Kauhola	94
Kapaakea, K.	34	Kalaau	66	Napahi, I.	94
Kaleokekoi	36	Kahanu	66	Napoeha	96
Akahi	36	Alapai	66	Kalanikahua, D.	96
Piikoi, I.	12	Luluhiwalani	68	Kawai	96
Stevenson, J.	38	Puuki (k)	68	Kekai	96
Pehu	38	Poka	68	Ke	98
Kuluiki	38	Kalualukaua	68	Kaawahua	98
Kanoa, P.	40	Kanaulu	70	Maalahia	98
Ulumeheihei	40	Huanu, J. J.	70	Pahoa	98
Kanele	40	Kealohapauole	70	Kauhao	100
Kaeo, A.	42	Pakeokeo	72	Kapu	100
Piikoi, K.	12	Kahanu	72	Hoonaulu, W.T.	100
Kauliokanoa, D.	44	Hoikapaa	72	Wahie	102
Kalua	44	Leoiki	72	Kanae, S.	102
Kealoha, L.	44	Kaaihinahina	74	Kaua	102
Kamaka	46	Keaweamahi	74	Hoikeau	102
Kupa	46	Halulu	74	Laahili	104
Kaaha	46	Paewahina	76	Lui, A.	104
Kuluwailehua, S.	48	Mokuohai	76	Kaleleiki	104
Kaopuiki, S.	48	Naopala	76	Kahikona	104
Kahanaumaikai	48	Mahoe	76	Kekauai	106
Kaholo	50	Manini, P.F.	78	Oleloa	106
Kalaimoku	50	Naeole	78	Nawalu	106
Kuakamauna, E.	52	Kaaiawaawa	78	Mamaki	106
Kaleimakalii	52	Kahele	78	Kaiheekai, I.H.	108
Hall, John	52	Kuhia, E.	80	Kainaina	108
Kalei	52	Kekukahiko	80	Kaleipaihala, R.	108
Kekualoa	54	Puiki, L.	80	Helehewa, S.	110
Steven, William	54	Kahoe	80	Kanehiwa	110
Haalelea, L.	54	Kailakanoa	82	Hinau	110
Kaihiwa	54	Puhalahua	82	Kaohie	112
Haalilio, H.H.	56	Alapai	82	Kaleipaopao	112
Kaiwi	56	Nuuanu	84	Namauu, L.	112
Kahuaihoohoo	56	Hoomanawanui	84	Kainalu	114
Kaulunae	56	Nahalelaau	84	Kaluakamano	114

Chief	Mahele Book Page	Chief	Mahele Book Page	Chief	Mahele Book Page
Hanakaipo	114	Maluai	133	Judd, G.P.	155
Kuhalake	114	Kalaionehu	133	Davis, R.G.	155
Puanaia	116	Beckley, Wm.	135	Kaopua	157
Mala, Alika	116	Hale	135	Kekaha	157
Kaleoku, K.	116	Keaka	135	Nahua	157
Kamiona	118	Kamanoualani	137	Nahinu	157
Kalawaiaku	118	Panalaau	137	Kalaikoa	159
Kawana	118	Honu	137	Keaweaheulu	159
Kuaana, R.D.	118	Kekela, E.	137	Kanuehoa, J.Y.	161
Keaho	120	Kealohaai	139	Ana, Keoni	161
Pahau	120	Honaunau	139	Pane	161
Kekipi	120	Pamaialoha	139	Kamaikui	163
Pupule	120	Kokahe	139	Lahilahi, Gini	163
Makaulia	120	Keawe	141	Kaoanaeha	165
Kamakahonu	120	Waioha	141	Hueu, G.D.	165
Kapalahaole	123	Maunahina	141	Kale	167
Tute, T.	123	Holmes, George	143	Peke (w)	167
Malo, Davida	123	Nahuina	143	Hewahewa, H.	167
Laniheleuu	123	Kauwahi	143	Paniwai	169
Kamoonohu	125	Keawehano, A.	145	Halualani	169
Kaahumanu	125	Kaluainanea	145	Napohoku, Hae	169
Namahana	125	Kala	145	Shaw, George	171
Laamaikahiki	125	Kalawaiaku	145	Kealakai	171
Kawahakui	127	Kalama, H. K.	147	Pahiula	171
Kaimoku	127	Kuaana, Ioela	149	Kanunu	173
Kinimaka	127	Puupuu	149	Kamakakehau	173
Kaaione	129	Upai	149	Koakanu	173
Laumaka	129	Kauwa, I.A.	151	Namauu, Nueku	175
Puhi	129	Piipoo	151	Kaniau	175
Loe	131	Kalaiopuu	151	Kaaukai	175
Keliiahonui, A.	131	Paki, Abenera	153	Kaleimamahu	177
Laanui, Gideona	131	Kapuwai	153	Kaiama, Hoaka	177
Lui, Keo	133	Kalolou, Loisa	153	Enoka, K.	177
Kahoohanohano	133	Kapeau, G.L.	155		
Maluai	133				

TRADITIONAL CHIEFS WHO DID NOT PARTICIPATE IN THE MAHELE

A great many high ranking chiefs did not participate in the Great Mahele of 1848. Students of the Chiefs' Childrens School who did not participate were the following:

Bernice Pauahi Paki; founder of Bishop Estate.
David Kalakaua; last king.
James Kaliokalani Kapaakea
Emilia Keawemahi
Jane Loeau
Abigail Maheha
Elizabeth Kekaaniauokalani
Alexander Liholiho, Kamehameha IV
Peter Young Kaeo
James Kaliokalani
Lydia Kamakaeha; Queen Liliuokalani the last monarch.

In addition to the above list of the highest chiefs who were chosen to be the eligible to become a monarch of Hawaii, there were many other chiefs of distinguished rank who did not participate.

15. The Hawaii Ceded Land Trusts: Their Use And Misuse.

THE
HAWAII CEDED LAND TRUSTS

THEIR USE AND MISUSE

First Edition

by

MITSUO UYEHARA

Published by
Hawaiiana Almanac Publishing Company
Honolulu, Hawaii

THE HAWAII CEDED LAND TRUSTS: THEIR USE AND MISUSE

First Edition

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PREFACE

The *CEDED LAND TRUSTS AND FUNDS* created by Sections 4 and 5(f) of the *Admission Act*[1] have been encrusted with two decades of cummulative neglect. Concommitantly, a necessity to review the trusts has emerged as a result of severe cutbacks in funding of programs which could be supported by the trusts at the Department of Education and the University of Hawaii, in farms and homes, and the awakening of native Hawaiians of their rights to the trusts.

The existence of public trusts on virtually all State lands and of mineral rights provides an opportunity to determine the use of such invaluable resources by the beneficiaries. A related report on minerals, uses, and production is entitled *ROCKHOUNDING IN HAWAII: Our Rocks, Minerals and Semiprecious Stones* by Milton Manhoff and Mitsuo Uyehara published in 1977.[2] This report on the use and misuse of ceded land trusts and funds has been prepared in the belief that Hawaii can best subsist in full compliance with its motto: *Ua Mau O Ke Ea O Ka Aina I Ka Pono (The Life of the Land is Perpetuated in Righteousness)*

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CHAPTER I

CEDED LAND TRUSTS AND FUNDS IN HAWAII

The largest landowner in Hawaii is the State of Hawaii.[3] But, unlike other states in the federal union which owns such lands in fee simple, the State of Hawaii is a trustee for the people of Hawaii. This unique relationship was called to the attention of the First State Legislature by William F. Quinn, the first governor of the State on April 25, 1961 as follows:

> It is our position that the ceded lands of Hawaii are a public trust to be held and managed in trust for the people of Hawaii. Up to the time of statehood, the United States was the trustee of this public trust, and now the State of Hawaii has assumed this responsibility. Under accepted trust doctrine, the trustee must hold the trust inviolate and cannot convert it to his own benefit.[4]

This public trust was created by Section 5(f) of the Admission Act for five purposes:

1. "For the support of the public schools and other public educational institutions,"
2. "For the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended,"
3. "For the development of farm and home ownership on a widespread a basis as possible,"
4. "For the making of public improvements," and
5. "For the provision of land for public use."[5]

The State of Hawaii is not mandated to use the trust res for all of the enumerated purposes, but it may select one or more of the specified purposes.

> Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide....[6]

The responsibilities of the State of Hawaii were expressed by V. Carl Bloede as follows:

> The public trust concept applicable to a Hawaii state lands may be reasonably compared to a charitable trust, e.g. the Bishop Estate Trust, wherein the obligation is imposed upon the trustee to manage the corpus of the trust and make the net benefits therefrom available to the Cestui Que Trust (beneficiary). Although the corpus may be invested, or sold and the

> proceeds reinvested, every precaution must be employed by the trustee in the administration of the trust to preserve the value of the corpus so as not to impair the net returns inuring to the Cesti Que Trust, and to those who have an interest in the corpus and its benefits, in perpetuity. And this trust concept requires on the part of the State, acting as trustee, proper conservation, development and utilization of the public lands (corpus), and that they be held or used, or the proceeds therefrom if alienation were deemed desirable in the interests of the public (Cestui Que Trust), for development of the public schools and other public projects, for the benefit and improvement in the conditions of the native Hawaiians, and the development of or stimulus to farm and home ownership wherever required, and the making of public improvements.[7]

The State of Hawaii provided for a *Public Land Trust* under section 2, Act 32 of the First State Legislature (1962) to which was appropriated all funds from the sale or lease or other disposition of public lands under Section 5(f) of the Admission Act which was codified as section 171-18 of the Hawaii Revised Statutes as follows:

> §171-18 **Public land trust.** All funds derived from the sale or lease or other disposition of public lands shall be appropriated by the laws of the State; provided, that all proceeds and income from the sale, lease, or other disposition of lands ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or acquired in exchange for lands so ceded, and returned to the State of Hawaii by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat. 6), and all proceeds and income from the sale, lease or other disposition of lands retained by the United States under sections 5(c) and 5(d) of the Act and later conveyed to the State under section 5(e) shall be held as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. [L 1962, c 32, pt of §2; Supp, §103A-18]
>
> **Case Notes**
>
> Former similar law cited: 40 H. 675, 686.

The above said section 171-18 provides for segregation of funds derived from public lands into Section 5(f) and non-trust fund accounts. Further segregation has been mandated by the First State Legislature (1962) by providing that sales, interests, and rents from public lands be set apart in a *Special land and development fund* codified as section 17 -19 as follows:

> **Sec. 171-19 Special land and development fund.** There is created in the department of land and natural resources a special fund to be designated as the "special land and development fund". Subject to the provisions contained in the Hawaiian Homes Commission Act of 1920, as amended, and in section 5(f) of the Admission Act of 1959, all proceeds of sale of public lands, including interest on deferred payments, and all rents from leases, licenses, and permits derived from public lands shall be set apart in the fund and shall be used only as authorized by the legislature, except that, without such prior legislative authority, the board of land and natural resources may use the fund for the following purposes:
>
> (1) To reimburse the general fund of the State for advancements heretofore or hereafter made therefrom, which are required to be reimbursed from the proceeds of sales, leases, licenses, or permits derived from public lands;
>
> (2) For the incidental maintenance of all lands under the control and management of the board, including the repair of improvements thereon, not to exceed $100,000 in any fiscal year;
>
> (3) To repurchase any land, including improvements thereon, in the exercise by the board of any right of repurchase specifically reserved in any patent, deed, lease, or other documents or as provided by law;
>
> (4) For the payment of all appraisal fees; provided, that all such reimbursable fees collected by the board shall be deposited in the fund;
>
> (5) For the payment of publication notices as required under this chapter, provided that all or a portion of the expenditures may be charged to the purchaser or lessee of public lands or any interest therein under rules and regulations adopted by the board;
>
> (6) For the planning and construction of roads and trails along state rights-of-way not to exceed $5,000 in any fiscal year;
>
> (7) For the payment to private land developer or developers who have contracted with the board for development of public lands under the provisions of section 171-60.
>
> Notwithstanding the above provisions, but subject to the restrictions contained in section 5(f) of the Admission Act, whenever the board sells remnants to abutting owners, the proceeds therefrom including interest on deferred payments, shall be deposited into the general fund; provided, that such proceeds shall be set apart to the appropriate fund where mandatory federal requirements affecting federal funds so require.
>
> Notwithstanding the above limitations on use of the proceeds of sale, where the board sells public lands including the buildings thereon once used but no longer necessary for school purposes at the recommendation and request of the board of education, all net proceeds derived from the sales are hereby appropriated to the county wherein the sales occur for the acquisition of land or for the erection of buildings for school purposes to the extent of an approved building plan in the school district wherein the sales occur. In the absence of any school building program in the district or in the event of any surplus remaining after the completion of buildings constructed pursuant to the approved plan then the proceeds or surplus shall be used in other school districts in the county wherein the sales occur.

The apparent conformance of the two sections to the trust requirements of the Admission Act are overshadowed by fundamental errors inherent in the sections as a consequence of the definition of *public lands* codified in section 171-2 of the Hawaii Revised Statutes as follows:

> §171-2 **Definition of public lands.** "Public lands" means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner, including submerged lands, and lands beneath tidal waters which are suitable for reclamation, together with reclaimed lands which have been given the status of public lands under this chapter, except:
>
> (1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended,
> (2) Lands set aside pursuant to law for the use of the United States,
> (3) Lands set aside under this chapter or prior to the enactment of this chapter,
> (4) Lands being used for roads and streets,
> (5) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the State Constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws,
> (6) Lands to which the University of Hawaii holds title, and
> (7) Lands to which the Hawaii housing authority in its corporate capacity holds title. [L 1962, c 32, pt of §2; am L 1965, c 239, §37; Supp, §103A-2]
>
> **Cross References**
>
> Generally, see notes to Organic Act §73.
> Return of military lands for civilian use, see §201-30

This definition of public lands does not distinguish between lands under Section 5(f) and those which are not. In the first category are Hawaiian Homes Commission *available lands* and non-Hawaiian Homes Commission lands. The Hawaiian Homes Commission *available lands* can only be used to promote the commission's programs. The non-Hawaiian Homes Commission lands can be used to promote all Section 5(f) purposes as well as Hawaiian Homes Commission purposes.

In the second category of public lands are those obtained by the State of Hawaii under condemnation or otherwise and paid for by general fund revenues.

The mergence of both categories of land in the definition of public lands clouds the fiduciary responsibilities and liabilities inherent in such lands. Thus, moneys from the sales, interests, and rentals from public lands are deposited in the *Special land and development fund* and not in the *Public Trust Ceded Land Proceeds* and as distinguished from general fund revenues as may be seen on page 23, although proceeds from sales of Section 5(f) trust lands are trust moneys. Although section 171-19 does distinguish between trust and non-trust moneys, it is only in passing or caution amounting to a distinction without operational difference, etc.

A crucial problem involved here is whether the State has conformed to the letter and spirit of the trust. Since the State first engaged the trust in 1961, it has transferred to the Department of Education all Section 5(f) trust moneys, excluding the *Special land and development fund* moneys, and then removed an identical sum from the Department of Education to the general fund. In substance, the State of Hawaii has commingled the trust funds with the general funds. The language of the law has not changed from 1961 to 1977 (as section 97 of House Bill Number 892, H.D. 1, Ninth State Legislature), and reads in section 97 of Act 195 of the Session Laws of Hawaii 1975 for the period July 1, 1975 to June 30, 1977 as follows:

> SECTION 97. There is hereby appropriated out of the public trust fund created by Section 5(f) of the Admission Act (Public Law 86-3, 86th Congress), the total amount of the proceeds from the sale or other disposition of any lands, and the income therefrom granted to the State by Section 5(b) or later conveyed to the State by Section 5(3), with the exception of such proceeds covered under Section 171-19, Hawaii Revised Statutes, as amended, to be disposed of by the Board of Land and Natural Resources, in order to reimburse the general fund for the appropriation made in Part II of this Act to the Department of Education for the support of public schools, to the extent such proceeds are realized for the period beginning July 1, 1975 to June 30, 1977. The above proceeds shall be exclusive of the amount disposed of under the provisions of the Hawaiian Homes Commission Act of 1920, as amended.

The selection by the State of the Department of Education appears to conform to the letter of Section 5(f), but the specification of the second purpose *for the betterment of the conditions of native Hawaiians* is an extraordinary purpose. The mere selection of the Department of Education would not by itself fulfill the spirit of Section 5(f). If Congress had left out the second clause or purpose, the enumerated purposes would be the normal public purpose clauses, and native Hawaiians would derive benefit in the normal course as any non-native Hawaiian. But, Congress had pulled out of the general public native Hawaiians for special consideration. The reasons for such special considerations are set forth in Chapters V and VI at pages 15 and 16 respectively. To conform to Section 5(f), the State may select the Department of Education or others, but it must also select the native Hawaiians. Only if the State selects the native Hawaiians as the one purpose would the State conform to the spirit of selecting just one purpose. The accurate selection of the purpose is important because the failure of the State to conform to the letter and spirit of the purposes set forth in Section 5(f) "shall constitute a breach of trust for which suit may be brought by the United States" under said Section 5(f) of the Admission Act as noted in page 6 above.

CHAPTER II
LEGISLATIVE HISTORY OF SECTION 5(f)

The public trust provisions of Section 5(f) of the Admission Act originated during the first session of the Eightieth Congress in 1947.[9] Before 1947, the only trust was the Hawaiian Homes Commission Act, 1920.[10]

The drafter of the public trust language was the Department of the Interior. It was referred H.R. 49, *A Bill to enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States*, after its introduction in the House of Representatives. Copies of this bill was also forwarded to the Department of War and the Department of Navy for comment. Other identical bills were H.R. 50, H.R. 51, H.R. 52, H.R. 53, H.R. 54, H.R. 55, H.R. 56, H.R. 579, H.R. 1125, and H.R. 1758.[11]

The War Department expressed no opinion on the bill. The Navy Department saw no objection. Both departments expressed interest in maintaining the security of military installations for national defense purposes.[12]

The Department of the Interior submitted an extensive list of proposed amendments, including the trust language of Section 5(f).[13] On Wednesday, March 19, 1947, the House Committee on Public Lands adopted the amendments proposed by the Department of the Interior.[14] The trust language proposed by the Department of the Interior became a part of every statehood bill after 1947.[15]

Although the trust language continued unchanged from 1947 to 1959, the importance changed considerably. In 1947, the Department of the Interior through its Bureau of Land Management was to administer all government lands in Hawaii, except for 180,000 acres which was to be held by the State of Hawaii in trust.[16] This 180,000 acres was less than the land set aside for the Hawaiian Homes Commission Act program.[17] The transition from 180,000 acres to virtually all lands in Hawaii occurred during the Eighty-fourth Congress in 1955.

The patenting of lands to the State of Hawaii in trust limits the use of such lands by the State. Although the purposes for which the State of Hawaii may use the lands, proceeds and income coincides to a substantial degree with unrestricted public lands, the specification of one of the purposes to be "for the betterment of the conditions of native Hawaiians," adds a significant dimension to such trust lands because native Hawaiians are also beneficiaries under Section 4 of the Admission Act providing for continuation of the Hawaiian Homes Commission Act programs. Under the Hawaiian Homes Commission Act programs, the proceeds and income from *available lands* can be used only to carry out the provisions of said Act,[18] whereas Section 5(f) native Hawaiian trust is one of five purposes. The relationship and the reason for these two native Hawaiian trusts are set forth in Chapter VI entitled Reasons for two Public Trusts for Native Hawaiians.

The ceded lands not patented to the State of Hawaii have been retained by the federal government under Section 5(c) and 5(d) of the Admission Act or otherwise disposed of by sale to private parties.[19] Most of the ceded lands retained by the federal government are used for park purposes in the Hawaii Volcanoes National Park and the Haleakala National Park[20] and a lesser proportion for national defense purposes.[21]

CHAPTER III

REASON FOR THE TRUST ON ALL STATE LANDS

Congress encumbered the lands patented to the State of Hawaii in trust because the Republic of Hawaii had ceded these lands in trust to the United States with the beneficial interest in the people of Hawaii.[22] The Treaty of Annexation, Negotiated in 1897,[23] the Resolution of the Senate of Hawaii Ratifying the Treaty of Annexation of 1897 adopted on September 9, 1897, and the Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States (the Newland Resolution)[25] all provided that the revenues and proceeds from the ceded properties shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

If Congress had patented such ceded lands to the State of Hawaii without the trust, it would have unilaterally abrogated the trust. By creating the Section 4 and Section 5(f) trusts, Congress had substituted the State of Hawaii in place of the United States as trustee.

Even the Department of the Interior, notwithstanding its position that the United States obtained absolute proprietory interests to the ceded lands, nonetheless noted:

> It is true, of course, that the cession by Hawaii was made in the light of a stipulation in the joint resolution of 1898 that the revenue and proceeds from the ceded lands should be used for the benefit of the inhabitants of Hawaii, except with respect to lands put to use by the Congress for civil, military, or naval purposes.[26]

CHAPTER IV

CEDED LAND AS PURCHASED LAND BY THE UNITED STATES

The extent to which the United States can assert complete control over ceded lands in Hawaii is based to a degree on the question of whether any consideration was paid for these properties. The position of the Department of the Interior in proposing the amendments to the Hawaii statehood bill in 1947 was that the United States had paid for the ceded lands:

> The public lands in Hawaii has belonged to the United States ever since the annexation of Hawaii in 1898. In accordance with the express terms of the joint resolution of annexation the Republic of Hawaii ceded to the United States "the absolute fee and ownership" of all its public lands and other property, and consented to the assumption by the Congress of full legislative control over "their management and disposition.
>
> From that day to this the Congress, and the Congress alone, has had the authority to exercise, and has exercised, rights of proprietorship over the public lands in Hawaii. Moreover, a consideration was paid by the United States for the cession in that the joint resolution provided for the assumption by the United States of the public debt of Hawaii which amounted to roughly 75 percent of the then current value of the ceded lands. This is another factor which distinguishes the present situation from the admission of Texas, since there the joint resolution of annexation expressly declared that Texas should pay its own debts out of the proceeds of its own lands. But that is not the case in Hawaii.[27]

Lorrin A. Thurston stated that the net debt of the Republic of Hawaii was $3,900,000 and that the value of the saleable property was $7,938,000 excluding the streets and roads, also not including revenues from customs, rents, post office and other sources which largely exceeded current expenses.[28]

CHAPTER V

SECTION 5(f) AS REPARATION TO NATIVE HAWAIIANS

The clause *for the betterment of the conditions of native Hawaiians* in Section 5(f) of the Admission Act indicates that Congress forsaw the emergent demands of native Hawaiians for reparation or settlement of their claims. In the *Indian Claims Commission Act* (1946)[29] and the *Alaska Native Claims Settlement Act* (1971)[30] Congress had provided for direct settlement with the people affected.

In the case of Hawaii, Congress can be said to have delegated the task to the State legislature under Section 5(f) of the Admission Act. It is to be noted that the language of Section 5(f) trust was first incorporated into the Hawaii Statehood bill in 1947, just a few months after the enactment of the *Indian Claims Commission Act* in 1946.

The submission of claims to Congress in the context of Section 5(f) must necessarily be only for such lands as have been retained by the United States and be said to be held in constructive trust, and the denial to native Hawaiians of the inherent right of any people to govern themselves because of the participation of the American minister to Hawaii and of American sailors and marines from the U.S.S. *Boston* to overthrow Liliuokalani, the last monarch of the Kingdom of Hawaii, in concert with the Committee of Safety on January 17, 1893. The United States and the State of Hawaii are the assigns to the spoils resulting from the abrogation of the Hawaiian monarchial system. The bulk of the lands ceded to the United States by the Republic of Hawaii have been patented to the State of Hawaii in trust or otherwise disposed of by sale to private parties by the Territory of Hawaii.

To implement the trust provisions of Section 5(f) with reference to native Hawaiians, native Hawaiians have organized *Ho'Ala Kanawai, Inc. (Awakening the Law)*, a nonprofit Hawaii corporation. The date of organization was January 17, 1977, the same day Liliuokalani was deposed.

CHAPTER VI
REASON FOR TWO PUBLIC TRUST FOR NATIVE HAWAIIANS

The first public trust created for native Hawaiians was the Hawaiian Homes Commission Act, 1920. This Act was the result of mergence of compassion to rehabilitate the Hawaiian people and the long efforts of sugar interests to obtain large land holdings by repealing the 1,000 acre limitation set forth in Section 55 of the Organic Act. This 1,000 acre limitation by corporations was imposed by Congress to encourage mainland type family homesteads. Under Section 55, any acreage above 1,000 acres held by any corporation were forfeited to the United States. Only the grandfather clause saved the plantations. The move to develop a Hawaiian Homes program occurred because a great number of parcels of land leased to sugar plantations during the reign of Kalakaua were to expire during the period 1917-1921. Under the Organic Act, these parcels would have been divested from sugar plantation uses and opened for homesteading.[31]

The sugar interests had tried many years to acquire or to lease large acreages, but had failed to move Congress. The formula which succeeded was to engraft upon the proposition to acquire sugar lands, a rehabilitation concept for native Hawaiians. Since the real objective was to acquire sugar lands, the best lands were set aside for sugar, and native Hawaiians received large acreage of wastelands. The real objective of the Hawaiian Homes Commission Act, 1920 was achieved. Sugar interests obtained the lands they wanted, including the repeal of the 1,000 acre limitation clause. The native Hawaiians received the concept of rehabilitation. The rehabilitation concept could not work because the Hawaiian Homes Commission Act, 1920 was never intended to work. It was designed to provide large acreages of good lands for sugar plantations.[32]

The basic interest of Congress to rehabilitate the Hawaiian people continued, and the error of the Hawaiian Homes Commission Act, 1920 was rectified by setting forth a second public trust in the Admission Act.

Rather than attempt to draft a second rehabilitation program, Congress delegated the task to the State legislature. The first such legislation in Hawaii was House Bill Number 1469 of the Ninth State Legislature (1977), *A Bill to Provide for a Native Hawaiian Program* reproduced in full at pages 54 through 62 below. This bill sets forth a program to be implemented by Ho'Ala Kanawai, Inc. (Awakening the Law), governed by a board of trustees of native Hawaiians elected by native Hawaiians from several regions throughout the State.

But, this bill for a native Hawaiian program was confronted with section 97 of House Bill Number 892, H.D. 1, *A Bill Relating to the State Budget*, of the Ninth State Legislature (1977) and section 97, Act 195 of the Session Laws of Hawaii 1975 cited at page 10 above. Said section provided for the removal of all moneys in Section 5(f) trust fund to the Department of Education, and the removal of an identical sum out of the Department of Education into the general fund.

This action by the State of Hawaii is contrary to the intent of Congress to rehabilitate native Hawaiians. To protect native Hawaiians, Congress included the provisions of the Hawaiians Homes Commission Act, 1920, as amended, and the provisions of Section 5(f) clause *for the betterment of the conditions of native Hawaiians* as Sections 4 and 5 of the Admission Act respectively,[33] and the incorporation of such trusts as Article XI and Section 8, Article XIV of the State Constitution.

The above special legislation for native Hawaiians is constitutional because it can be tied rationally to the fulfillment of Congress's unique obligation toward native Hawaiians. In *Morton versus Mancari*, 417 U.S. 535 (1974), 41 L.Ed. 2d. 290 (1974), the Supreme Court of the United States upheld the granting of preference to Indians for jobs within the Bureau of Indian Affairs under the *Indian Reorganization Act of 1934*. Although the preference appeared to be racially discriminatory, the Supreme Court held that it was a non-racially based promotion of Congress's unique obligation to rehabilitate Indians.

CHAPTER VII

COMMON PEOPLE'S INTEREST IN LAND TO 1893

The historical rights and interest in land by the Hawaiian people from time immemorial[34] until the *Great Mahele* was feudal.[35] This traditional tenue was expressed in the first Constitution of Hawaii to be that all lands in Hawaii belonged to Kamehameha I, the founder of the Kingdom of Hawaii. However, the lands were not the private property of Kamehameha I, but it belonged to the chiefs and the people in common, of whom Kamehameha I was the head, and had management of the landed property. The lands belonged to Kamehameha I because he conquered the other ruling chiefs and unified all of the islands under his rule and management. Any person could occupy and cultivate the lands, but subject to dispossession by the chiefs.[36] The *Bill of Rights* of 1839, incorporated into the Constitution of 1840, provided that:

> Protection is hereby secured to the persons of all the people, together with their lands, their building lots, and all their property, and nothing whatever shall be taken from any individual except by express provisions of the law.[37]

The first step to grant fee simple interest was the establishment of the Board of Commissioners to Quiet Title, Act of December 10, 1848, to take effect on February 7, 1846. This Board of five members investigated and decided all claims by private individuals to any land acquired before the enactment of this law.[38]

The Land Commission was organized on February 11, 1846, and began to receive in writing claims and evidences to title in land. All claims were to be presented to the Land Commission on or before February 14, 1848. Thereafter, all titles not adjudicated and confirmed were declared as belonging to the king. The Land Commission granted a Land Commission Award to tenants actually occupying and cultivating the lands applied for. The awardee obtained a Royal Patent from the Minister of Interior upon payment of a commutation fee to the government assessed at a rate of one-third unimproved value of the land.[39]

The awards to the chiefs remained unresolved for two years. A partition plan was finally developed and approved by the Privy Council on December 18, 1848. The first agreement to partition the kingdom was executed on January 27, 1848, and the last on March 7, 1848. The high chiefs paid for their awarded lands by cash or by surrendering one-third of their awarded lands back to the government.[40]

One day after the partition with the high chiefs, on March 8, 1848, Kamehameha III partition the remaining portion between himself and the government.[41]

All of the lands in the kingdom granted to the king, the government and the high chiefs were temporarily subjected to the rights of native tenants who occupied and cultivated their parcels of land. Such tenants were granted the right to present their claims before the Land Commission until its dissolution on March 31, 1855. Upon proof of the tenants' claim, Royal patents were granted without payment of cummutation fees. Such fees were the responsibility of the landowner on whose land the tenants' parcel existed. The exceptions were houselots in Hilo, Lahaina, and Honolulu. These houselots were subject to commutation payments at the rate of one-quarter of the unimproved value of these lots.[42]

Although the grants to tenants appear to indicate that native Hawaiians had received their fair share under the *Great Mahele*, the record showed otherwise.

Throughout the kingdom the *kuleana* grants totaled 28,658 acres out of a total of 4,100,000 acres. In the District of Puna, as an example, three non-chiefs obtained a total of 32.18 acres. The 1853 census showed that Puna had 2,753 Hawaiians. Of these 1,453 were married. Those under twenty years of age numbered 1,092. Those over twenty years of age numbered 1,661. Analysis of the grants shows that one of the three, Hewahewa, obtained 13.64 acres in Puna, and in addition 3.25 acres in Kau, 0.16 acres in Kona, and 20.65 acres in North Kohala. The second, Baraneba, obtained 11.32 acres in

Puna, and in addition another 12.25 acres in Hilo. The third, Haka, was the only person who obtained just one parcel, and therefore was possibly the only resident of Puna who obtained land in the *Great Mahele*.

This analysis of *kuleana* grants in Puna demonstrates that the common people did not receive the lands they occupied. The effect of the *Great Mahele* on non-chiefs was to make them permenantly dispossessed of any land, except for a few exceptions. Whereas the high chiefs were granted many opportunities to quiet their interests in the awarded lands,[44] The non-chiefs had but one chance in 1850-1855. The practical effect of the *Great Mahele* was to abolish feudal tenue, grant fee simple title to the leaders or the heirs of such leaders who led the conquering forces in the unification wars under Kamehameha the Great, and to disposses the non-chiefs.

The dispossessed non-chiefs provided a ready market for the sale of government lands to raise revenue, and the project began with the enactment of a land sales Act on July 11, 1851. These lands were first available in lots not to exceed 50 acres, and at a price not to exceed 50 cents per acre. In 1853 the acreage was increased to 100 acres and the price lowered to 12.5 cents per acre, but the statutory price was far below the average price obtained by the government.

The dispossessed non-chiefs could not obtained the lands individually, and therefore, many individuals pooled their resources in groups of 15 to 20 individuals and held the title in cotenancies. These lands were generally known as *hui lands* or *hui aina* of the locality in which such lands were situated. Grant 3057 to Kakila, *et al.*, at Kipahulu was known as *Kaumakani hui land;* Grant 1899 to 11 grantees and Grant 2549 to 16 grantees were known as the *two Paulalu huis*; Grant 3053 to Kaaimanu, *et al.*, was known as *Puheemiki hui land.*[45]

Later *huis* were organized with constitutions and bylaws. These were also larger with 100 to 200 original members with the ability to purchase an entire *ahupuaa* or two. The title was held by the members as tenants in

TABLE I
GOVERNMENT LAND SALES BY ISLANDS, TOTAL ACREAGE SOLD AND AVERAGE PRICE PER ACRE: 1846-1893

Year	Total Sales	Government Land Sales						Total Acreage Sold	Average Price Per Acre
		Oahu	Maui	Molokai	Lanai	Hawaii	Kauai		
1846	5	5	0	0	0	0	0	843	0.63
1847	62	47	10	0	0	5	0	2,306	2.1
1848	39	22	10	0	0	1	6	732	3.2
1849	66	46	18	0	0	0	2	12,792	2.28
1850	305	196	93	1	0	10	5	27,083	1.27
1851	180	80	30	7	0	46	17	20,095	1.26
1852	411	52	41	37	0	277	4	36,132	0.91
1853	186	27	94	14	0	49	2	12,196	1.13
1854	211	42	99	0	0	51	19	11,753	1.51
1855	422	87	140	15	4	171	4	28,080	0.82
1856	265	25	100	7	0	109	24	17,683	0.84
1857	150	34	18	0	1	83	14	10,743	1.37
1858	89	5	22	9	0	52	1	6,304	0.69
1859	144	32	50	17	0	45	0	14,407	0.89
1860	52	14	0	2	0	29	7	8,469	0.77
1861	66	8	19	0	0	39	0	189,414	0.04
1862	84	11	59	0	0	12	2	8,897	0.59
1863	36	11	14	0	1	4	6	4,580	1.13
1864	34	2	18	1	1	8	3	92,715	0.16
1865	19	1	12	0	0	6	0	1,831	0.60
1866	35	3	8	10	5	6	3	1,469	0.94
1867	27	5	9	0	1	7	5	2,335	1.64
1868	4	0	2	0	0	2	0	375	0.79
1869	7	0	5	0	0	2	0	336	0.90
1870	6	1	2	0	0	3	0	597	1.39
1871	11	2	8	0	0	1	0	1,747	2.32
1872	6	0	0	6	0	0	0	2	12.61
1873	17	4	7	4	0	2	0	2,322	1.72
1874	29	23	0	1	0	5	0	1,260	20.63
1875	9	2	1	2	0	4	0	47,268	0.13
1876	9	0	2	0	0	6	1	9,964	0.50
1877	21	8	7	1	0	5	0	548	8.66
1878	17	11	4	0	0	2	0	423	40.06
1879	39	7	18	0	0	14	0	3,466	3.93
1880	26	16	9	0	0	1	0	236	50.35
1881	46	44	1	0	0	1	0	444	48.61
1882	35	28	6	0	0	1	0	231	121.92
1883	20	7	10	0	0	3	0	478	12.85
1884	6	2	4	0	0	0	0	113	20.51
1885	9	5	3	0	0	1	0	72	35.72
1886	5	1	4	0	0	0	0	122	4.05
1887	27	14	0	0	0	13	0	8,950	1.73
1888	13	4	3	2	0	4	0	1,453	2.10
1889	17	6	10	0	0	1	0	2,614	6.15
1890	44	39	4	0	0	1	0	547	61.67
1891	52	43	5	1	0	3	0	14,393	37.00
1892	50	38	5	0	0	7	0	652	3.14
1893	45	30	0	0	0	14	1	3,761	6.31
Total	3458	1090	984	137	13	1106	126	613,255	0.92

common. An example is the *Hui Kuai Aina o Peahi (Land Purchasing Association of Peahi)* organized on October 28, 1890 to purchase the *ahupuaa* of Peahi, Grants 149 and 221; Kealiinui, Grant 2182; Uaoa, Grant 160; and portions of Halehaku, R.P. 1666 L.C.A. 8515, *Apana* 3 to Keoni Ana with a combined total of 2,112.2 acres. The deed was to L.K. Waipa and 158 others, and recorded in the Bureau of Conveyances at Liber 127, pages 169-171.[46]

From the date of the first sale of government lands in 1846 to 1893, a total of 3,458 sales were made. The total acreage was 613,255 at an average price of 0.92 dollars per acre.[47] A sale included one or more parcels of land. Four of the sales involved a total of 358,682 acres to J.P. Parker (37,888 acres), C.C. Harris (184,294 acres), C.R. Bishop (46,500 acres), and J.M. and F. Sinclair (90,000 acres) or 58 percent of the total acreages sold. These sales did little to alleviate the need of common people for land. In 1890, out of a total population of 90,000, only 5,000 persons owned their lands. The historic pattern of concentrated ownership of a few to the bulk of the lands has continued to the present.[48] The significant change has been from native Hawaiians to non-Hawaiians. Whereas before the *Great Mahele* all lands were owned by native Hawaiians, by 1890 persons of European descent owned more than twenty-five percent of all private lands.[49] After the planters revolution in 1893, the proportion of private owned lands in persons of European descent has increased and contined to the present.[50]

CHAPTER VIII

PUBLIC TRUST FUND CEDED LAND PROCEEDS

Trust funds which are within the provisions of Section 5(f) of the Admission Act is set forth each year in the Department of Land and Natural Resources *Annual Report to the Governor*. The report for 1974 to 1975 was as follows:[51]

PUBLIC TRUST CEDED LAND PROCEEDS Land Management Program	ACTUAL 1974-1975	ESTIMATED 1975-1976
Receipts: (All Chapter 171 HRS)		
Rentals, Leased Public Lands	$5,036,778	$5,000,000
Rentals, Unleased Public Lands	1,774,411	1,700,000
Sale of Wood, Rock and Sand	147,028	150,000
License, Use of Government Water	282,537	295,000
License, Use of Government Land for Specific Purposes	66,928	60,000
TOTAL RECEIPTS	$7,307,682	$7,185,000
Expenditures:		
Revenue to Hawaiian Homes	$2,210,848	$ 940,288
Land and Transfers*	---	---
Transfers to General Fund	5,096,834	6,244,712
TOTAL TRANSFERS	$7,307,682	$7,185,000
*Hawaiian Home Lands' Receipts:		
Loan Fund (Act 4, SLH 1965)	$1,884,712	$ 615,288
Administration Fund	326,136	325,000
Development Fund	---	---
TOTAL	$2,210,848	$ 940,288

GENERAL FUND REVENUES Land Management Program	Fee Schedule	ACTUAL 1974-1975	ESTIMATED 1975-1976
Title of Receipt and Legal Reference			
Conveyance Tax (Act 5/68)	$ .50 per 100	$ 3,059	$ 4,000
Forfeiture for Failure to Return Plans and Specifications	$25.00 per plan & spec.	---	---
Fees, Copies of Public Documents	$ .50 per page	511	600
Fees, Issuance of Land Patents, etc.	$20.00 each	5,275	5,500
Fees, Consents to Transfers, etc.	$15.00 each	1,100	1,200
Fees, Surveying Public Lands	$25.00 each	3,060	3,500
Fees, Appraisals		---	---
Sale of Publications		47	25
Sale of Improvements on Expired or Cancelled Leases		---	---
Cost of Managing Property Acquired for Highway Purposes		7,171	7,000
Indemnity for Damages to Insured Property		5,000	5,000
Sale of Wood, Rock and Sand		22,819	20,000
Interest on Delinquent Accounts		12,991	1,000
Witness or Juror Fees		93	90
Sales of Equipment or other Property		---	---
Refund/Reimbursement		77	70
Transfer Balance -- Sand Island Revenues		156,458	150,000
TOTAL GENERAL FUND REVENUES		$217,661	$197,985

SPECIAL LAND AND DEVELOPMENT FUND Land Management Program	ACTUAL 1974-1975	ESTIMATED 1975-1976
Balance at the beginning:	$5,712,446	$5,967,992
Receipts:		
Transfers In	$ ---	$ ---
Interest on Deferred Payments	71,327	75,000
Sale of Public Lands	850,071	900,000
Reimbursable Expenditures	---	---
Refunds and Reimbursements of Prior Year's Expenditures	15,930	15,000
Sub-totals	937,328	990,000
TOTAL RECEIPTS	$6,649,774	$6,957,992
Expenditures:		
Land and Interest in Land	$ 52,431	$ 50,000
Structures and Permanent Improvements to Land	---	---
Transfers Out:		
Publication of Notices Fund	5,000	---
Maintenance Fund	25,000	25,000
Bond Fund Repayments	619,351	605,672
Administrative Costs	---	70,000
TOTAL EXPENDITURES	$ 681,782	$ 750,672
Balance at end	$5,967,992	$6,207,320

CHAPTER IX
MINERAL ROYALTIES CONTROVERSY

The proceeds in the *Public Trust Fund* from mineral royalties are only from government lands because the State of Hawaii has not collected any such royalties from private lands. An analysis of the mineral rights reservation clause is set forth in Chapter X, the ownership of minerals on lands sold by the government between 1900 and 1954 without the mineral reservation clause in Chapter XI, and the ownership of minerals on lands registered with the Land Court in which the decree provides no exception or reservation in Chapter XII. The mining of minerals on private lands encumbered with reservation of all minerals or metallic mines of every description in the government, otherwise known as *reserved lands*, is provided by Section 182-5 of the Hawaii Revised Statutes which reads as follows:

> §182-5 **Mining leases on reserved lands.** If any mineral is discovered or known to exist on reserved lands, any interested person may notify the board of land and natural resources of his desire to apply for a mining lease. The notice shall be accompanied by a fee of $100 together with a description of the land desired to be leased and the minerals involved and such information and maps as the board may by regulation prescribe. The board may grant a mining lease on reserved lands in accordance with section 182-4, or the board may, by the vote of two-thirds of its voting members, without public auction, grant a mining lease on reserved lands to the occupier thereof. Such a mining lease may be granted to a person other than the occupier if the occupier has assigned his rights to apply for a mining lease to another person, in which case only such an assignee may be granted a mining lease. If the occupier or his assignee of the right to obtain a mining lease should fail to apply for a mining lease within six months from the date of notice from the board of a finding by the board that it is in the public interest that the minerals on the reserved lands be mined, a mining lease shall be granted under section 182-4; provided that bidders at the public auction shall bid on an amount to be paid to the State for a mining lease granting to the lessee the right to exploit minerals reserved to the State. [L 1963, c 11, pt of §1; Supp. §99A-5]

The State of Hawaii began the task of investigating the collection of mineral royalties from private lands by introduction of House Resolution Number 389 of the Ninth State Legislature (1977) as follows:

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
Ninth LEGISLATURE, 1977
STATE OF HAWAII

H.R. NO. 389

HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COLLECT MINERAL AND METALLIC MINES ROYALTIES FROM PRIVATE RESERVED LAND OWNERS

WHEREAS, mineral or metallic mines of every description on most private lands have been excepted and reserved to the State of Hawaii or its predecessors;

WHEREAS, the State of Hawaii has not received any royalties for the quarrying of mineral or metallic mines of every description on such private reserved lands since Statehood;

WHEREAS, it is imperative that any royalties due to the State should be collected by the State of Hawaii;

WHEREAS, BE IT RESOLVED by the House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, the Senate concurring, that the Department of Land and Natural Resources is requested to collect all royalties due to the State for the quarrying of mineral and metallic mines of every description on private reserved lands since Statehood, and to report its actions, findings and recommendations to the legislature not less than twenty days prior to the first day of the Regular Session of 1978, and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the Department of Land and Natural Resources and to the Governor of the State of Hawaii.

HHP 861383

H.R. NO. 389

OFFERED BY:

FEB 22 1977

Of grave concern to beneficiaries of Section 5(f) trust fund involving mineral reservation is Act 218, Section 18C of the Session Laws of Hawaii, 1974 at page 636 which reads as follows:

C. DEPARTMENT OF TRANSPORTATION
(To be expended by the Department of Transportation)

"16. Barbers Point Deep Draft Harbor, Oahu—Planning, engineering and land acquisition for incremental development of a second deep water harbor for Oahu. Use of this appropriation is contingent upon the State obtaining an agreement from the land owner(s) that the lands (less dredge spoils) required for the harbor and the back-up areas will be given to the State at no cost to the State; provided that such lands (less dredge spoils) can be received by the State with restrictions to harbor and harbor back-up use."	200,000(s) 15,660,000(f)

It is noted from the above that the State would obtain lands for the Barbers Point Deep Draft Harbor less the dredge spoils. The use of the term *dredge spoils* is significant in what it connotes, a useless residue of dredging. It is to be noted that the term is correct in the technical sense. The U.S. Army Engineer District in its Barbers Point Harbor Final Environmental Statement described dredge spoils as follows at paragraph 4.08, page 4-2:

> Practically all of the material to be dredged at Barbers Point is coral limestone material considered suitable and in demand for construction purposes, particularly as a source of aggregate material and for the manufacture of concrete. Much of the area inland from the proposed harbor site is aready being quarried for construction purposes. According to the State Department of Agriculture, coral sup-

> plies most of the Oahu crop production needs for calcium, and the dredged material would also represent a valuable resource for agriculture as well as for the construction industry. The State of Hawaii is responsible for designation of a dredged material disposal site. In view of the value of the dredged material for commercial purposes, the State has proposed that the material be temporarily stockpiled on land adjacent to the harbor site. The material becomes the property of the State to keep, sell, or use in any desired way. The desirability of the material, the availability of nearby space to stockpile the material, and the availability of adequate land around the harbor for shoreside facilities make temporary land disposal and beneficial use of the material a favorable method of disposal for this project.[52]

The provisions of Section 18C, Act 218 of the Session Laws of Hawaii, 1974, which provide that the land owner keeps the dredge spoils and the Final Environmental Statement in 1977, which states that the State keeps the coral material, are clearly contradictory. But, such was not the case in 1969 when the matter was first considered by the State Legislature. The term *less dredge spoils* was not present in the original enactment providing for acquisition of the Barbers Point harbor site at Section 18, Paragraph 16, Act 155 of the Session Laws of Hawaii, 1969 at page 237. After the 1974 amendment, the State could become the owner of the dredge spoils by purchasing the material. The price to be paid is not minuscle. In the Draft Environmental Statement[53] the price given is three dollars per cubic yard at page 4-3, paragraph 4.10. The purchase price of the dredge spoils comes to 31.5 million dollars.

The lands involved at the Barbers Point Harbor site is encumbered with the mineral reservation clause in Royal Patent Number 6971 (Book Number 25, page 107) issued to M. Kekauonohi. When said lands were registered under the Land Court, Application Number 1069, the decree of registration excluded the mineral reservation clause. An analysis of such exclusion in the decree and the certificate of title is set forth in Chapter XII.

CHAPTER X

MINERAL RIGHTS RESERVATION CLAUSE

The mineral reservation clause in the Royal Patents reads in Hawaiian as follows:

> *Ua koe nae i ke aupuni na mine minerela a me na metala a pau.*

The clause is expressed in English as follows:

> *Excepting and reserving to the Hawaiian government, all mineral or metallic mines of every description.*

The question of validity of mineral reservation in the Royal Patents in favor of the government has been sustained by the Supreme Court of Hawaii in "Re Land Title, Robinson" on December 5, 1966 in volume 49 of the *Hawaii Reports* at pages 429-455.

In the Robinson case, the applicant objected to the mineral reservation because the Land Commission Awards on her lands did not contain any reference to reservation of mineral rights. The reservation was found in the Royal Patent issued pursuant to the Award. The Supreme Court held in its majority opinion that these lands are encumbered with the reservation clause because the Land Commission Awards were not a grant of title to the land but a determination of a right to a patent. The Royal Patent was a release of the government's interest after payment of the commutation, and the imposition of the mineral reservation required by statute.

The meaning of the mineral reservation clause was not determined by the Supreme Court in the Robinson case. In the minority report, Justice Cassidy stated that the reservation clause "was some foreigner's idea as it is certain that minerals, metals, or mines played no part in the economy or life of Hawaii at the time. It has only been within the last 15 years that the existence of minerals in quantity in the soil of the Hawaiian Islands has come to light and the possibility of the exploitation of such resources has been recognized."

But, in refering back to the time when the reservation clause first began, it is observed that minerals, metals, and metallic mines were an important part of the life of the people as shown in the book *Rockhounding in Hawaii* by Milton Manhoff and Mitsuo Uyehara at pages 102-116. The first mineral traded by Hawaiians with foreigners was salt. Considerable quantities of salt was exported to Russian settlements in the Pacific Northwest and in Kamchatka. The most valuable of the salt works, as with everything else, were reserved to the highest ranking chiefs, a practice which continued and formalized as the mineral reservation clause.

As to the term *metal*, it was equivalent to stone. The most prized in ancient times was clinkstone from Mauna Kea. This material was used to manufacture adze and grindstone. The old specimen often simulated cast iron. The name clinkstone is descriptive of the material--it makes a metallic clinking sound atop Mauna Kea. The cultural setting was summarized by William T. Bingham as follows:

> We need not, even for convenience, divide the remains of tools used here into stone, bronze or iron periods. There were no such divisions. Neither iron, copper, nor tin was accessible to the islanders, and from the time they landed on the bits of coral scattered through this ocean, whether it be five or twenty centuries ago, they used wood, stone, bone or shell for the purposes where modern civilized man uses the metals or pottery, and their use was universal until little more than a century ago when iron and foreign tools were introduced here and there among the islands. Even on the Hawaiian islands metal tools were far from common in the middle of the last century.[54]

The first iron produced in Hawaii was by Thomas F. Sedwich. He took 22 ounces of red soil from Kaimuki, Holulu and mixed it with coral sand and molasses in a crucible. The mixture was heated in a forge. The molasses was used in place of coke (carbon) to remove oxygen from the iron oxide (Kaimuki red dirt). The coral sand acted as flux to melt and fuse the red soil. The result was 21 5/16 ounces of slag and 1 7/16 ounces of iron which is preserved in the Bishop Museum as Exhibit Number 475.[55]

Although the early Hawaiians did not have the technological knowledge to produce iron, they were able to rework nails and bolts received in trade with Europeans into knives.[56]

As to the existence of mines in which *metallic* stones were mined, one of the largest pre-historic mines in the world was possibly Keanakakoi atop Mauna Kea, an enormous stone mine three to four miles long.

The greatest use in terms of volume of minerals and metallic mines was not to make tools, but to construct public roads and highways. Such roads and highways were *metelled* or covered with stones. The term *metallic mines* does not necessarily refer to mines where metal or metallic ores are mined or quarried, but also where stones are quarried or mined. Thus, in going to Webster, we find:

> road metal. Broken stone, cinders, etc., used in making and repairing roads, ballasting railroads, etc.[57]
>
> metal, *n*. 1. Any of a class of substances which typically show a peculiar luster, are good conductors of electricity and heat, are opaque, and may be fused; also, any such substance without reference to special character; as, a piece of *metal*. 2. Material; substance; stuff; hence, spirit; mettle. 3. *Chem.* An elementary metal (sense 1), as distinguished from a mixed metal, or *alloy*. 4. *Glass Mfg.* Glass in a state of fusion. 5. *Her.* Or (gold) or argent (silver) used as a tincture. 6. *Naval.* The effective power of guns on a war vessel, expressed in terms of the weight of projectiles fired in a broadside; as a ship with more *metal* in its main battery. 7. *Print.* Type metal; hence, state of being in type. 8. *Roads, Railroads, etc.* Crushed stone, cinders, etc., used in making roads, ballasting roadbeds, or the like. *-v. t.;* MET'ALED (-'ld) or MET'ALLED; MET'AL·ING or MET'TAL·LING. To cover or furnish with metal.[58]
>
> me·tal'lic, *adj*. 1. Of, pertaining to, or made of a metal; of the nature of metal; being, or characteristic of, a metal in the free state. 2. Resembling metal, as in sound under percussion, or in hard, inflexible quality. 3. Yielding metal; metalliferous.[59]

Hitchcock in his dictionary wrote:

> Metal n. Metala
>
> Metallic, adj. Metala. Metallic lustre, Hinuhinu o ka metala.
>
> Mine n. Lua eli waiwai. Gold Mine, lua eli gula.[60]

Andrews did not list the terms *mine* or *menerela* in his dictionary.[61]

Pukui and Elbert in their English-Hawaiian dictionary wrote:

> Metal. *Mekela.*
>
> Mineral. *Pohaku, minerelala.*[62]

Then, Pukui and Elbert in their Hawaiian-English dictionary wrote:

> mine. Mine (for minerals). *Eng.*
>
> minelala, minerala. Mineral. *Eng. Wai minelala,* mineral water.
>
> pohaku. 1. Rock, stone, mineral; tablet; rocky, stony; thunder. *Mauna-pohaku,* Rocky Mountains. *Ke ka'a maila ka pohaku,* the thunder peals. ho'-opohaku. To harden, as lava; hard. *Fig.,* stubborn. (For PPN, PMP see *haku,* core.) 2. Weighted with rocks, hence stationary, not moving. *Pohaku kaomi moena,* a stone weighing down a mat, said of a homebody. *Pohaku 'au wa'a la le'ale'a i kai nei* (chant), fleet of canoes at anchor, happy here at sea. ho'opohaku. To remain long in one place; to stay at home. *E ho'opohaku, e noho malie* (chant), stay, rest quietly.[63]

The State of Hawaii has defined mineral to mean the following:

> "Minerals" means any or all of the oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits whether solid, gaseous, or liquid, in, on, or under any land; but does not include sand, rock, gravel, and other materials suitable for use and used in road construction.[64]

It could be argued under the clause "but does not include sand, rock, gravel, and other materials suitable for use and used in road construction," that sand, rock, gravel, and other materials, which are 1. suitable for use, and 2. which are used in road construction, are not within the legal definition of minerals, even if such minerals are also used to make concrete and to construct high rise office buildings and condominiums. As an example, coral limestone which is used in road construction is not a mineral, even if most of such material is used to manufacture cement for the construction of high rises. Also, oil is not a mineral because some of it is used to make asphalt concrete which is used to construct roads, even if most of it is used as fuel oil and similar products.

It is more reasonable to interprete the clause to mean that the legislative intent was to exempt road building materials when in fact such materials are used to construct roads. Thus, if such materials, though suitable for use to construct roads is not in fact used for road purposes, then such materials would be a legal mineral, etc.

The most serious objection to the excepting of sand, rock, gravel and other materials suitable for use and used in road construction is the lack of authority in the State of Hawaii to waste or give away the reserved materials because they are trust assets. The State of Hawaii under Section 8, Article XIV of the State Constitution undertook to comply with the trust provisions of the Admission Act as provided by Congress. That a private land owner may be inconvenienced by development of reserved minerals and metallic mines is no answer because such owner obtained the land with the knowledge of such reservation, and therefore with the possibility of the use of such reserved minerals and metallic mines by the government.

CHAPTER XI

OWNERSHIP OF UNRESERVED MINERAL LANDS

During the first five and a half decades under the Territory of Hawaii, from 1900 to 1954, the mineral reservation clause was excluded from the land patents issued by the Territory. The exclusion of the mineral reservation clause was possibly the belief by the Territorial government that since Hawaii had become an incorporated Territory of the United States, it would conform to the practice involving the disposition of federal public lands. In the federal practice, the Bureau of Land Management on receiving an application for a patent immediately made a determination as to whether the land involved is valuable mineral land within the meaning of the federal legislations requiring the imposition of the federal mineral reservation clause on land patents.[65] If it is determined that the land is for agricultural use, and no mineral reservation should attach, and there is no fraud involved, the subsequent finding of valuable mineral thereon at a later date would not divest or disturb the rights of the patentee.[66]

Contrary to any beliefs, Congress provided that the existing federal public land laws would not apply to the Territory of Hawaii, and that the land laws of the Republic of Hawaii shall continue in force until provided otherwise in Section 73 and after its amendment, as Section 73(c) of the Organic Act.[67] By not including the mineral reservation clause in its patents, the Territory of Hawaii failed to conform to the law as provided by Congress.

Congress was aware of the special nature of mineral reservation and provided in 1910 an amendment to Section 73 of the Organic Act, as Section 73(1), that "leases may be made by the commissioner of public lands, for the occupation of lands for general purposes, or for limited specified purposes (but not including leases of minerals or leases providing for the mining of minerals), for terms up to but not in excess of sixty-five years." This clause is the only reference to minerals in the Organic Act.

Although the Territory of Hawaii acted as though it was the owner of all lands in Hawaii, the definitive limitation imposed by Congress was forcefully brought to the attention of the Territory by the Solicitor of the United States Department of the Interior on February 21, 1938. The opinion stated that the absolute fee of government lands in Hawaii had been in the United States since August 12, 1898, the effective date of annexation under Section 91 of the Organic Act. The Territory of Hawaii had no estate in the land, only the possession, use, and control.[68]

That the Territory of Hawaii failed to carry out its duty to include the reservation of minerals and metallic mines of every description on all patents does not preclude the attachment of such reservation by implication because the Territory could convey by patent only that which it could convey.

The inclusion of mineral reservation by implication is set forth in Section 73(c) of the Organic Act. Said section provided that "all laws relating to public lands, the settlement of boundaries, and the issuance of patents on land commission awards...shall continue in force...." The only changes made in the laws of the Republic of Hawaii was to the terms used in patents so as to indicate the change in powers: "In said laws *land patent* shall be substituted for *royal patent*; *commissioner of public lands*, and *commissioners of public lands*, or their equivalents;" and the words, "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii."

By implication, Congress had provided that the form of the land patents should be the same as that issued by the Republic of Hawaii. Such form was first established under Section VI, Article II of "An Act to Organize the Executive Departments of the Hawaiian Islands," 1846, and included the clause reserving "all mineral or metallic mines, of every description," in the government. That the mineral reservation clause had continued without change for so long under the kingdom and into the Republic of Hawaii would carry it forward into the Territory by virture of Section 73(c) of the Organic Act and incorporated into the laws of the Territory of Hawaii as the *common law or practice* of Hawaii under Section 2, Act 32 of the Session Laws of Hawaii 1903, and as codified as Section 1-1 of the Revised Laws of Hawaii, 1905 and all revised laws thereafter, including the Hawaii Revised Statutes.

Further, the clause "the issuance of patents on land commission awards" in Section 73(c) of the Organic Act, and codified in all revised laws of Hawaii and the Hawaii Revised Statutes (Chapter 172) necessarily provides for inclusion of the reservation clause because the form for the issuance of such patents had been provided for in the laws of 1846 as determined in the case of in *Re Land Title, Robinson* by the Supreme Court of Hawaii in 1966.

The Territory of Hawaii, through its commissioner or commissioners of public lands, by failing to include the reservation of mineral rights in all patents and therefore purported to convey such rights to the patentee had committed an ultravires act, and such acts are void as to the holder of such rights, the United States, and at present the State of Hawaii in trust under Section 5(f) of the Admission Act.

CHAPTER XII

OWNERSHIP OF MINERALS ON REGISTERED LANDS WITHOUT RESERVATION

Many Land Court applications filed and adjudicated under the Territory of Hawaii exclude mineral reservation in the decree and in the certificate of title. The holders of such certificates may contend that the lack of such mineral reservation provide that such holder owns all of the minerals and metallic mines of every description on the lands covered by such certificate. However, the ownership of such minerals and metallic mines of every description of lands under a Land Commission Award appears to be not in the certificate holder but in the government, the State of Hawaii in trust under Section 5(f) of the Admission Act because of the following:

1. The Land Court was created under Act 56 of the Session Laws of Hawaii, 1903. The legal authority of the Territory of Hawaii was Section 81 of the Organic Act. This section provided that the territorial legislature may create inferior courts in addition to a supreme court and circuit courts.

2. Congress provided in Section 55 of the Organic Act "that the legislative powers of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable."

3. The laws of the United States applicable was the limitations set forth in the Organic Act to provide that government lands held by the Territory shall only be disposed of by the Commissioner of Public Lands as set forth in Section 73.

4. Congress did not provide for disposition of lands or interests in land by the Land Court of any interests of the United States. To default or preclude the Territory of Hawaii from attaching the mineral rights reservation amounts to giving the minerals and metallic mines of every description to the applicant.

5. The public lands administered by the Commissioner

of Public Lands did not belong to the Territory of Hawaii, but to the United States. Congress asserted its ownership by providing in Section 55 of the Organic Act that any corporation which shall acquire more than 1,000 acres of land shall have the access escheated to the United States, not the Territory of Hawaii. This escheat clause was repealed by Congress by Section 302 of the Hawaiian Homes Commission Act, 1920. Congress excluded the use of lands in Hilo from any exchanges to be undertaken by the Territory in 1946.[70] The ownership of public land was clarified by the Solicitor of the Department of the Interior in consideration of the deed by the Territory of Hawaii to the National Park Service covering the connecting strip between Mauna Loa portion of the Hawaii National Park and the Kilauea portion in 1938. The Territory provided in its deed that it reserves grazing rights. The Solicitor ruled that since the United States had owned all public lands from the date of cession, the deed by the Territory was not needed, and that the grazing reservation on the deed was void because Congress had provided for the use of such lands for National Park purposes, and such Act precluded grazing.[71]

6. Since the ownership of government land in Hawaii is in the United States as provided by Section 91 of the Organic Act,[72] any interest affecting the United States requires the serving of process on the United States. But the established rules of immunity of the United States from suit without its consent apply with full force and effect.[73] In Land Court proceedings, the United States, although an indispensable party relative to its interests in mineral and metallic mines of every description, had not been made a party, and therefore the exclusion of such clause by the Land Court in the decree and in the certificate of title resulting in abrogation of mineral reservation owned by the United States is void.

7. The land owner cannot assert the statute of limitation or latches to preclude the assertion of rights to minerals and all metallic mines of every

description after the lapse of many years because such actions cannot be used against the government.

8. The fact that the Land Court applicant appears to have the legal title to minerals and metallic mines of every description because the reservation clause is not on the decree or certificate of title do not provide by implication that such applicant has the beneficial interest. The applicant may hold the legal title, but such person would hold the minerals and metallic mines of every description as trustee for the beneficiary, the government in trust under Section 5(f) of the Admission Act.

FOOTNOTES

1. U.S. Congress, Admission Act, *An Act to Provide for the Admission of the State into the Union*, Act of March 18, 1959, 86th Cong. 1st Sess., Pub. L. 86-3, 73 Stat. 4.

2. Milton Manhoff and Mitsuo Uyehara, *Rockhounding in Hawaii: Our Rocks, Minerals and Semiprecious Stones*, Honolulu, Hawaiiana Almanac Publishing Company, 1977.

3. Robert H. Horwitz, Judith B. Finn, assisted by Marie Gillespie and Karen T. Uemoto, *Public Land Policy: Major Landowners*, Honolulu, Legislative Reference Bureau, *Report No. 3, 1967*, p. 13.

4. Hawaii, Governor, *Special Message on Federal Lands in Hawaii by Governor William F. Quinn to the First Legislature of the State of Hawaii*, April 25, 1961.

5. Admission Act, Section 5(f).

6. Ibid.

7. V. Carl Bloede, *Public Lands as a Public Trust*, Honolulu, Legislative Reference Bureau, *Req. No. 9622*, 1962, pp. 9-10.

8. Hawaii, State, Act 195, Sec. 97, Part VIII, S.L. 1975, p. 673 (1975-1977).
   ...., Act 218, Sec.101, Part VIII, S.L. 1973, pp. 654-655 (1973-1975).
   ...., Act 68, Sec. 21, Part V, S.L. 1971, p. 173, (1971-1973).
   ...., Act 154, Sec. 7, S.L. 1969, p. 228, (1969-1970).
   ...., Act 175, Sec. 7, S.L. 1970, p. 347, (1970-1971).
   ...., Act 74, Sec. 8, S.L. 1968, pp. 175-176, (1968).
   ...., Act 54, Sec. 8, S.L. 1967, pp. 57-58 (1967).
   ...., Act 8, Sec. 9, S.L. 1966, pp. 24-25 (1966).
   ...., Act 99, Sec. 13, S.L. 1965, pp 142-143, (1965).
   ...., Act 50, Sec. 9, S.L. 1964, p. 70, (1964).
   ...., Act 202, Sec. 7, S.L. 1963, p. 301, (1963).
   ...., Act 31, Sec. 5, S.L. 1962, p. 93, (1962).
   ...., Act 125, Sec. 3, S.L. 1961, p. 166, (1961).

9. See U.S. Congress, *Statehood for Hawaii*, House of Representatives, 80th Cong. 1st Session, H.R. 49, *A Bill to enable the people of Hawaii to form a constitution and a State government and to be admitted into the Union on an equal footing with the original States*, Washington:G.P.O. 1947, pp 1-6, 10-14.

10. U.S. Congress, *Hawaiian Homes Commission Act, 1920*, Act of July 1921, 42 Stat. 108, etc., 48 U.S.C. 691.

11. U.S. Congress, *Statehood for Hawaii*, 1947, p. 7.

12. Ibid, War Dept. p. 15; Navy Dept., pp 72-73.

13. Ibid, pp 10-14.

14. Ibid, pp 285-307.

15. Although the trust language did not change, the lands to be granted to the State changed considerably.

16. U.S. Congress, *Statehood for Hawaii*, 1947, p. 12.

17. Ibid, p. 8.

18. Admission Act, Sec. 4.

19. There is no definitive report on ceded lands retained by the federal government.

    H. Mogi, *Inventory of federally controlled land in Hawaii*, prepared by Planning and Research, Inc. for the State of Hawaii, Department of Planning and Economic Development, Honolulu, *Hawaii Coastal Zone Management Program Document 2*, Honolulu, 1975.

    Hawaii, Executive Chambers, *Report in Response to S. R. No. 97, Relating to Hawaii Lands Being Used by the Federal Government*, Honolulu, 1973(?).

    Hawaii, Commissioner of Public Lands, *Inventory of Public Lands Set Aside to the United States by Acts of Congress, Executive Orders and Proclamations, Report No. 1*, Honolulu, 1961 (?).

    Robert H. Horwitz et al., *Major Landowners*, 1969.

20. Russell Anderson Apple, *A History of the Land Acquisition for Hawaii National Park to December 31, 1950*, Unpublished Master of Arts Thesis, University of Hawaii, Figures 29 and 30 provide acquisition data.

    L. Sp. 1959, c. 6, *An Act relating to the acquisition and conveyance of lands for National Parks*, provided in Section 1 that "those provisions of various Acts of Congress authorizing the acquisition of private lands for purposes of the Hawaii National Park and City of Refuge National Historical Park by exchanges or otherwise, such exchanges not to be limited by restrictions of the land laws of the state of Hawaii, or authorizing the governor of Hawaii to acquire and convey to the United States lands and interests in lands, which provisions are *Territorial laws* pursuant to section15 of Public Law 86-3 of the 86th Congress, are hereby ratified and adopted as laws of the state of Hawaii without any termination or expiration date."

    The City of Refuge National Historical Park was established under Act of July 26, 1955, 69 Stat 376, c. 385 16 U.S.C.A. 397.

    Haleaka National Park established under Act of September 13, 1960, 74 Stat 881, P.L. 86-744; 16 U.S.C.A. 396b.

    Hawaii Volcanoes National Park was originally named Hawaii National Park, Act of September 22, 1961, 75 Stat 577, P.L. 87-278; 16 U.S.C.A. 391d; earlier legislation was Act of Aug. 1, 1916, 39 Stat 432; also Act of May 1, 1922, 42 Stat 503 (Kau Desert); Act of April 11, 1928, 45 Stat 424 (Thurston Lava Tube); Act of June 20, 1938, 52 Stat781 (Foot prints, Kalapana Extension, etc.)

21. The reports cited in footnote 19 differ considerably in classification of different parcels of land held by the military. As an example, Mogi classifies Kahoolawe as fee simple, whereas others note this island as ceded land, etc.

22. U.S. Congress, *Statehood for Hawaii*, 1947, Statements of C. Girard Davidson, Assistant Secretary, Department of the Interior, and Herbert J. Slaughter, Chief, Legislative Division, Office of Solicitor, Department of the Interior, Washington, D.C. G.P.O., p. 266.

23. Lorrin A. Thurston (Editor), *The Fundamental Laws of Hawaii*, Honolulu, The Hawaiian Gazette Co., 1904, p. 244 (Article II).

24. Ibid, p. 248.

25. Ibid, p. 251.

26. U.S. Congress, *Statehood for Hawaii*, 1947, p. 266.

27. Ibid, pp. 265-266.

28. Lorrin A. Thurston, *A Handbook on the Annexation of Hawaii*, Honolulu (N.D.).

29. U.S. Congress, *Indian Claims Commission Act*, Act of August 13, 1946, c. 959, Sec. 1, 60 Stat 1049, 25 U.S.C.A. Sec. 70.

30. U.S. Congress, *Alaska Native Claims Act*, Act of September 18, 1971, Public Law 92-203, 85 Stat 668, T 43 U.S.C.S. 1601-1624.

31. Marylyn M. Vause, *The Hawaiian Homes Commission Act, 1920, History and Analysis*, Unpublished Master of Arts Thesis, University of Hawaii, June, 1962, p. 191.

32. Ibid, see also Hawaiian Homes Commission Act, 1920, Act of July 9, 1921, 42 Stat 108, Sec. 302.

33. U.S. Congress, *Statehood for Hawaii*, 1947, p 267, 2d par. lines 4-5.

34. The origin of the feudal system is not known. It was the highest development in Polynesia.

35. Robert H. Horwitz, et al. question the use of the term feudal in *Public Land Policy...Report No. 3, 1967* at page 1: "Kamehameha I controlled his island empire through a system that generally has been termed *feudal*. This designation is not surprising, given the many similarities of the early Hawaiian land system to that of medieval Europe. Still, designation of this early land system as *feudal* is misleading. To be sure, under Kamehameha's system, the various levels of tenants owed obedience to those above them in the hierarchy of rank. They also owed absolute obedience to the King. Tenants were required to pay land taxes to their superiors by offering services, artifacts, or a portion of the product of the land. Nevertheless, Hawaii's early land system was never fully or property a feudal one, inasmuch as military service was not required of the lowest order of tenants, the commoners who actually tilled the land. Furthermore, tenants were not bound

to the land by law. The chiefs had the right to expel commoners from the land for failure to cultivate it, and dissatisfied commoners occasionally sought to cultivate land held by other chiefs."

But evidence of feudalism existed: Section 6 of the Laws of November 9, 1840 provided the following: "No man living on a farm whose name is recorded on his landlord, shall without cause desert the land of his landlord. Nor shall the landlord causelessly dispossess his tenant...." Thurston, *The Fundamental Laws of Hawaii*, p 18. In the Kamehameha wars men were forced into service in house to house search for soldiers to fill the quota. See Mitsuo Uyehara, *Almanac of Hawaiiana, 1970-1972*, p 54.

36. Hawaii, Kingdom, *Principles adopted by the Board of Commissioners to Quiet Land Titles to which are added Several Awards*, Honolulu, Charles E. Hitchcock, 1847, p 1.
37. Thurston, *Fundamental Laws of Hawaii*, p 1.
38. Hawaii, Kingdom, *Principles adopted by the Board of Commissioners to Quiet Land Titles...*, p 8.
39. Jon J. Chinen, *The Great Mahele, Hawaii's Land Division of 1848*, Honolulu, The University Press of Hawaii, 1974, p 21.
40. Ibid, p. 21.
41. Ibid, pp 25-26.
42. Ibid, p 30.
43. Hawaii, Board of Commission of Public Lands, *Indices of awards made by the Board of Commissioners to quiet land titles in the Hawaiian Islands*, Compiled and published by the Office of the Commissioner of Public Lands of the Territory of Hawaii, Honolulu, Star Bulletin Press, 1929.
44. Chinen, *The Great Mahele*, pp 21-24.

Extension of time:

L. 1847, p 80 Extend time to Land Commission from Feb. 14, 1848 to Feb. 14, 1849.
L. 1848, p 46, cc p 402 Extend time to Land Commission to "as shall be necessary for the full and faithful examination, settlement, and award upon all such claims as may have been presented to said Board."
L. 1853, p 26, cc p 410 Claim to be presented before May 1, 1854.
L. 1854, p 21, cc p 415 Dissolution of Board on March 1, 1855. Claim presentable to Dec. 30, 1854.
L. 1854, p 25, cc p 415 Extension to file before Board by November 1, 1855.
L. 1860, p 27 Claim opened to June 31, 1862.
L. 1892, c 68 Claimed opened to January 1, 1895.
L. 1909, c 90, sec. 1, pp 118-121 Forclosure of commutation. Chapter 172 Hawaii Revised Statutes. Jon J. Chinen, *The Great Mahele*, many chiefs finally paid for their awards after cited for delinquent accounts.

45. Leslie J. Watson, *Old Hawaiian Land Huis—Their Development and Dissolution*, Honolulu, Typewritten manuscript, University of Hawaii; written for Honolulu Star-Bulletin, Dec. 12-14, 1932, pp 9-10.

46. Hawaii, Circuit Court of the Second Circuit, *East Maui Irrigation Co., Ltd. vs John Aalona, et al.*, March 7, 1924.

47. Robert H. Horwitz, Judith B. Finn, Louis A Varga and James W. Ceaser, assisted by Marie Gillespie, George K. Ikeda, Lorna H. Miyata and Philip N. Marcus, *Public Land Policy in Hawaii: An Historical Analysis*, Honolulu, Legislative Reference Bureau, *Report No. 5, 1969*, pp 186-187 (Table 24), pp 190-192 (Table 27-31).

48. Robert H. Horwitz, et al., *Public Land Policy*, p. 3.

49. Ibid, pp 3-4.

50. Ibid, p 4.

51. Hawaii, Department of Land and Natural Resources, *Annual Report to the Governor, July 1, 1974 to June 30, 1975*, Honolulu, Hawaii, December, 1975, p 40.

    The Public Trust Ceded Land Proceeds fund was first established under Section 8, Act 195 of the Session Laws of Hawaii 1961 which read as follows:
    SECTION 8. The Board of Land and Natural Resources shall deposit into a trust fund all proceeds derived by way of rentals, water licenses and other licenses and sales of wood, rock and sand from lands granted to the State by said section 5(b) and lands retained by the United States under sections 5(c) and 5(d) and later conveyed to the State under section 5(e). Said proceeds for the period July 1, 1961 to June 30, 1962 shall be appropriated and reimbursed to the general fund for the making of public improvements. Thereafter, said proceeds shall be appropriated by the laws of the State with the purposes enumerated in said section 5(f).

52. U.S. Department of Defense, U.S. Army Engineering District, Honolulu, *Barbers Point Harbor, Oahu, Hawaii, Final Environmental Statement*, Honolulu, Hawaii, July, 1976, Sec. 4.10, p 4-3.

53. *........., Draft Environmental Statement, Barbers Point Harbor*, Honolulu, Hawaii. April 12, 1976, Sec. 4.10, p 4-3.

54. William T. Brigham, "Stone Implements and Stone Work of the Ancient Hawaiian," *Memoirs of the Bernice Pauahi Museum*, Vol. 1, No. 4, Honolulu, Bishop Museum Press Press, 1902, pp 337-435.

55. Harold Schjoth Palmer, *Iron, Minerals, and the Hawaiian Islands*, Honolulu, p 3.
John Francis Gray Stokes, "Iron with the Early Hawaiians," *Hawaiian Historical Society, Paper, No. 18*, p 5.

56. Stokes, op cit., p. 7.

57. Merriam-Webster, *Webster's New Collegiate Dictionary*, 2d Ed., Springfield, Mass., 1956, p 732.

58. Ibid, p. 528.

59. Ibid, p. 528.

60. H.R. Hitchcock, *An English-Hawaiian Dictionary,with various useful tables prepared for the use ofHawaiian-English schools*, authorized and published by the Board of Education, San Francisco, The Bancroft Co., 1887, pp 134-135.

61. Lorin Andrews, *A Dictionary of the Hawaiian Language, to which is appended an English-Hawaiian vocabulary and a chronological table of Remarkable Events*, China, 1940 reprint.

62. Mary Kawena Pukui and Samuel H. Elbert, *English-Hawaiian Dictionary*, Honolulu, University of Hawaii Press, 1964, p 97.

63. Ibid, pp 228 and 308.

64. *Hawaii Revised Statutes*, sec. 181-1.

65. *American Jurisprudence*, Second Edition, "Mine and Minerals," volume 54, sec. 11, pp 196-197.

66. Ibid, sec. 19, pp 204-205.

67. Hawaiian Organic Act, sec. 73(c).

68. *Decisions of the Department of the Interior*, "Title to Public Lands in the Territory of Hawaii--Limitations on the Authority of the Secretary of the Interior over Grazing in Hawaii National Park," *Opinion*, February 21, 1938, vol. 56, pp 263-276.

See also R. A. Apple, op cit., p 125.

69. *American Jurisprudence*, Second Edition, "Public Lands," volume 63, sec. 94, pp 562-563; sec. 75, pp 545-546.

70. U.S. Congress, Act of August 7, 1946, 60 Stat 884, c. 787.

71. ...., Act of February 27, 1920, 41 Stat 452, c 89, 16 U.S.C.A. 392.

72. See also *American Jurisprudence*, Second Edition, "Public Lands," volume 63, sec. 14.

73. See *Hawaiian Organic Act*, sec. 6; also *American Jurisprudence*, Second Edition, "Public Lands," volume 63, sec. 127, pp 596-597.

THE ADMISSION ACT

An Act to Provide for the Admission of the State of Hawaii into the Union

(Act of March 18, 1959, Pub L 86-3, 73 Stat 4)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 7 (c) of this Act, the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Case Notes

"Equal footing," referred to: 44 H. 634, 642, 361 P.2d 390.

Hawaii not denied "equal footing" by reason of C.A.B. control over interisland air transportation. 363 F.2d 120.

§2. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (off-shore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Case Notes

See also notes to State Const. Art. XIII §1.

Question of jurisdiction over channels between islands raised but not decided. 47 H. 87, 384 P.2d 536.

Territorial waters extend only three miles from each island. 235 F. Supp. 990.

§3. The constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

§4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", ad defined by said Act, shall be used only in carrying out the provisions of said Act.

§5. (a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States. [Am

July 12, 1960, Pub L 86-624, 74 Stat 422]

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.

(h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of Hawaii into the Union.

(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Revised conveyance procedures. Act of December 23, 1963, Pub L 88-233, 77 Stat 472, provides: That (a) (i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5 (g) of Public Law 86-3 (73 Stat. 4, 6), or any lands acquired by the Territory of Hawaii and its subdivisions, which are the property of the United States pursuant to section 5 (c) or become the property of the United States pursuant to section 5 (d) of Public Law 86-3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended, and (ii) whenever any the lands of the United States on Sand Island, including the reef lands in connection therewith, in the city and county of Honolulu, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the "Administrator") with the concurrence of the head of the department or agency exercising administration or control over such lands and property, they shall be conveyed to the State of Hawaii by the Administrator subject to the provisions of this Act.

(b) Such lands and property shall be conveyed without monetary consideration, but subject to such other terms and conditions as the Administrator may prescribe: *Provided*,That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the lands involved. Nothing in this section shall prevent the disposal by the Administrator under other applicable laws of the lands subject to conveyance to the State of Hawaii under this section if the State of Hawaii so chooses.

Sec. 2. Any lands, property, improvements, and proceeds conveyed or paid to the State of Hawaii under section 1 of this Act shall be considered a part of public trust established by section 5 (f) of Public Law 86-3, and shall be subject to the terms and conditions of that trust.

Attorney General Opinions

Duty imposed under paragraphs (c) and (e) on federal agency to report on its continued need of land is limited to lands ceded to U.S. upon annexation and does not extend to lands acquired by U.S. thereafter. U.S. Att. Gen. Op. June 12, 1961.

Case Notes

Hawaii's suit in supreme court, seeking to extend duty to acquired lands, dismissed on ground that U.S. could not be sued without its consent. 373 U.S. 57.

Under submerged lands act, Hawaii's boundaries extend one marine league. 235 F. Supp. 990.

§6. As soon as possible after the enactment of this Act, it shall be the duty of the President of the United States to certify such fact to the Governor of the Territory of Hawaii. Thereupon the Governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue his proclamation for the elections, as hereinafter provided, for officers of all State elective offices provided for by the constitution of the proposed State of Hawaii, and for two Senators and one Representative in Congress. In the first election of Senators from said State the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No identification or designation of either of the two senatorial offices, however, shall refer to or be taken to refer to the term of that office, nor shall any such identification or designation in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

§7. (a) The proclamation of the Governor of Hawaii required by section 6 shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in section 6 shall be chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Hawaii for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution

FARM AND HOME OWNERSHIP

Section 5. The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

ARTICLE XI
HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION ACT

Section 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

Attorney General Opinions

This and next section may be deleted without consent of Congress. Att. Gen. Op. 68-18.

COMPACT WITH THE UNITED STATES

Section 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

Attorney General Opinions

This and preceding section may be deleted without consent of Congress. Att. Gen. Op. 68-18.

AMENDMENT AND REPEAL

Section 3. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of[this] State, as provided in Section 7, subsection (b) of[the Admission Act], subject to amendment or repeal only with the consent of the United States, and in no other manner. *Provided,*That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

[Add 73 Stat 4 and election June 27, 1959]

ARTICLE XII
ORGANIZATION; COLLECTIVE BARGAINING

PRIVATE EMPLOYEES

Section 1. Persons in private employment shall have the right to organize for the purpose of collective bargaining.

PUBLIC EMPLOYEES

Section 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law.

[Am Const Con 1968 and election Nov 5, 1968]

Attorney General Opinions

Scope of right of collective bargaining is for the legislature to decide. Att. Gen. Op. 68-27.

ARTICLE XIII
STATE BOUNDARIES, CAPITAL, FLAG

BOUNDARIES

Section 1. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of[the Admission Act]; except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

[Am 73 Stat 4 and election June 27, 1959]

CAPITAL

Section 2. Honolulu, on the Island of Oahu, shall be the capital of the State.

FEDERAL LANDS

Section 7. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

[§6, ren Const Con 1968 and election Nov 5, 1968]

Former §7 renumbered §8.

COMPLIANCE WITH TRUST

Section 8. Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

[§7, ren Const Con 1968 and election Nov 5, 1968]

Former §8 renumbered §9.

ADMINISTRATION OF UNDISPOSED LANDS

Section 9. All provisions of the Act of Congress approved March 18, 1959 reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people.

[§8, am 73 Stat 4 and election June 27, 1959; ren Const Con 1968 and election Nov 5, 1968]

Former §9 renumbered §10.

FEDERAL PROPERTY; TAX EXEMPTION

Section 10. No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation!

[§9, ren Const Con 1968 and election Nov 5, 1968]

Former §10 renumbered §11.

HAWAII NATIONAL PARK

Section 11. All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

[§10, ren Const Con 1968 and election Nov 5, 1968]

Former §11 renumbered §12.

admitted, will join five other States which have two Senators and one Representative in Congress.

Therefore, the committee finds no merit in any of the arguments against statehood, and recommends that statehood be granted.

Conclusion

The committee realizes that the Congress is not bound by court decisions or by congressional precedent; the final decision lies in the sound discretion of the 86th Congress. However, every court utterance on the subject and every action of other Congresses considering other States lead to the inevitable conclusion that the wisdom of the ages is on the side of statehood.

More than one-half million Americans in Hawaii are asking for the responsibilities that go with the kind of government which we know to be best for the Nation and best for individual Americans. The committee believes that Hawaii has proved all qualities that the Nation traditionally demands.

Now is the time to prove to all the world that self-determination applies in the United States just as it must apply wherever in the world human nature can be free to follow its course.

Sectional Analysis

A section-by-section analysis of S. 50, as reported, is set forth below. Amendments adopted by the committee are included in the analysis.

GENERAL PROVISIONS

Section 1 declares that, upon issuance of the proclamation required by the act, the State of Hawaii is admitted into the Union on an equal footing with other States, subject to the provisions of the act; finds that the constitution adopted by the people of Hawaii in the election held November 7, 1950, conforms with the Constitution of the United States and the principles of the Declaration of Independence; and confirms the constitution so adopted.

Section 2 defines the area which will comprise the State of Hawaii. It includes the islands, appurtenant reefs, and territorial waters included in the Territory of Hawaii, except the atoll known as Palmyra Island which, together with its reefs and territorial waters, is excluded from the State. The State will not include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, which islands are not now included within the Territory of Hawaii.

Section 3 requires that the constitution of the State of Hawaii shall always be republican in form and not be repugnant to the Constitution of the United States or the Declaration of Independence.

Section 4 requires the State of Hawaii to adopt the Hawaiian Homes Commission Act, 1920, as a provision of its constitution and provides that it shall not be changed in its basic provisions except with the consent of the United States. Article XI of the constitution of Hawaii conforms to this requirement. The Hawaiian Homes Commission Act is a law which set aside certain lands in order to provide for the welfare of native Hawaiians. While the new State will be able to make changes in the administration of the act without the consent of Congress, it will not be authorized, without such consent, to impair by legislation or constitutional amendment the funds set up under it or to disturb in other ways its substantive provisions to the detriment of the intended beneficiaries.

LAND GRANTS

Section 5 concerns property grants to the new State. Subsection (a) confirms in the State the Territory's title to certain lands and other property. Subsection (b) grants to the State title to Federal public lands and other Federal public property in Hawaii held by the United States at the time of Hawaii's admission into the Union. Both of these subsections, however, are subject to the qualification expressed in subsection (c) the effect of which is to reserve to the United States any lands or other properties which are set aside for Federal use by act of Congress or by order of the President or the Governor of Hawaii. Subsection (b) is also qualified by subsection (d) which provides that any public lands or other public property that, at the time of admission, is controlled by the United States under permission from the Territory may be set aside by Congress or by Executive order within 5 years from the date of admission and that, if this is done, these lands and property shall be the property of the United States. Subsection (e) provides that each Federal agency having control of land or property retained under subsections (c) and (d) shall review its needs and report to the President within 5 years after admission of the new State and that the President shall turn over to the State that which is not needed by the Federal Government.

The effect of subsection (f) is to create a trust of the public lands granted to the State and of any proceeds derived from them, the trust to be administered for the support of educational institutions, the welfare of native Hawaiians, the development of farm and home ownership, public improvements, and the provision of land for public use. The language employed with respect to educational institutions supported in whole or in part from this land grant is the same as that used in earlier acts for the admission of States to the Union. It requires that the educational institutions remain under public control and be not sectarian or denominational. The words used are in the nature of a limitation and not a grant and will not interfere with the operation of the Federal Constitution.

Subsection (g) defines the terms "lands and other properties" and "public lands and other public property." Subsection (h) repeals laws of the United States reserving its right to the free use of property which is granted to the State by the act. Subsection (i) makes it clear that the Submerged Lands Act and the Outer Continental Shelf Lands Act will extend to the new State.

PROCEDURE FOR ADMITTING THE STATE OF HAWAII INTO THE UNION

Section 6 and the following section establish the machinery for admitting the State of Hawaii into the Union. Section 6 requires the President to certify the enactment of this act to the Governor of Hawaii. The Governor must issue his proclamation for the election of all officers provided for by the State constitution. The officers to

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
NINTH LEGISLATURE, 19 77
STATE OF HAWAII

H.B. NO. 1469

A BILL FOR AN ACT

RELATING TO THE NATIVE HAWAIIAN PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Title 20 of the Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

NATIVE HAWAIIAN PROGRAM

Sec. -1 Declaration of policy. (a) There is an immediate need for a fair and just settlement of reparation to native Hawaiians related to the deposing of Queen Liliuokalani, the last reigning monarch of the Kingdom of Hawaii on January 17, 1893.

(b) The abrogation of the Hawaiian monarchial system of government by the Committee of Safety, the establishment of the Provisional Government and the Republic of Hawaii, and the annexation of Hawaii to the United States of America has been detrimental to the life, liberty, and interest of native Hawaiians.

LRB 169-763

(c) The Congress of the United States has recognized the health, educational, and welfare needs of native Hawaiians following the dissolution of the Kingdom of Hawaii, and has provided in Section 5(f) of the Admission Act, An Act to provide for the admission of the State of Hawaii into the Union, that all lands patented to the State of Hawaii under the Admission Act shall be held in trust "for the betterment of the conditions of native Hawaiians, as defined by the Hawaiian Homes Commission Act, 1920, as amended," and for other purposes.

(d) The people of Hawaii have provided in article XIV, section 8 of the Constitution of Hawaii that "Any trust provisions which the Congress shall impose, upon the admission of this State, in respect to lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation."

(e) The State shall provide for appropriate legislation by this chapter.

(f) No provisions of this chapter shall be construed to diminish, curtail, or terminate the Hawaiian Homes Commission Act, 1920, as amended, program, but shall be construed to be in addition thereto.

Sec. -2 Definitions. For the purposes of this chapter, the term:

(1) "Admission Act" means An Act to provide for the admission of the State of Hawaii into the Union, Act of March 18, 1959, Public Law 86-3, Eighty-sixth Congress, First Session 73 Statute 4;

(2) "Corporation" means a state native Hawaiian corporation or a regional native Hawaiian corporation;

(3) "Fund" means the native Hawaiian fund in the department of and and natural resources;

(4) "Hawaiian" means any descendant of less than the part of the blood of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920, as amended.

(5) "Native Hawaiian" means native Hawaiian as defined in the Hawaiian Homes Commission Act, 1920, as amended;

(6) "Native Hawaiian corporation" means a nonprofit corporation organized under the laws of Hawaii for the purpose of the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended under Section 5(f) of the Admission Act;

(7) "Regional native Hawaiian corporation" means a native Hawaiian corporation organized on a regional level;

(8) "State Native Hawaiian Corporation" means a native Hawaiian corporation organized on a statewide level;

Sec. -3 Purpose of corporation. The corporation shall be established for health, education, and welfare purposes for the betterment of the conditions of native Hawaiians.

Sec. -4 Native Hawaiian corporation. (a) There shall be a state native Hawaiian corporation and several regional native Hawaiian corporations.

(b) Twenty or more native Hawaiians may incorporate as a nonprofit corporation under the laws of Hawaii.

(c) The management of the corporation shall be vested in a board of trustees, all of whom, with the exception of the first trustees, shall be native Hawaiians. The number, term, and method of selection of trustees shall be fixed in this chapter, the articles of incorporation, or the bylaws of the corporations.

(d) The accounts of the corporations shall be audited each year in accordance with generally accepted auditing standards by an independent auditor certified or licensed by the department of regulatory agencies. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. Each audit report or a fair and reasonably detailed summary thereof shall be filed with the department of regulatory agencies.

(e) The members of the corporation may be native Hawaiians, Hawaiians, and non-Hawaiians; provided that only adult native Hawaiians shall be eligible to vote for trustees and officers.

Sec. -5 Regional native Hawaiian corporation. (a) For purposes of this chapter, the State may be divided into several Hawaiian regions composed as practicable of native Hawaiians sharing common interests as follows: (1) Niihau; (2) Hanapepe; (3) Lihue; (4) Anahola; (5) Hanalei; (6) Waianae; (7) Waipahu; (8) Honolulu; (9) Waimanalo; (10) Kaneohe; (11) Kahuku; (12) Wahiawa; (13) Hoolehua; (14) Kaunakakai; (15) Lanai; (16) Lahaina; (17) Kahakuloa; (18) Wailuku; (19) Hana; (20) Kihei-Makena; (21) Kohala; (22) Waimea; (23) Hamakua; (24) Hilo; (25) Puna-Pahala; (26) Puueo-Milolii; and (27) Kona.

(b) The board of trustees of the state native Hawaiian corporation shall establish the boundaries of the native Hawaiian regions and may create one or more regions from the above enumerated regions or consolidate some of the regions to meet the objectives of this chapter. In any case of changes from the above list, a hearing of the persons affected within the regions shall be held.

(c) A regional native Hawaiian corporation shall be established in each native Hawaiian region by the native Hawaiians residing therein.

(d) A member of a regional native Hawaiian corporation shall be a member of the state native Hawaiian corporation.

(e) The board of trustees of the state native Hawaiian corporation shall be composed of one trustee elected from each of the several native Hawaiian regions. Such trustees shall also be members of the regional native Hawaiian corporation, but shall not be an officer of a regional native Hawaiian corporation.

Sec. -6 Native Hawaiian fund. (a) There is established in the department of land and natural resources a native Hawaiian fund to carry out this chapter. The moneys in the fund shall be expended by the Ho'Ala Kanawai, Inc. as the state native Hawaiian Corporation.

(b) The following moneys shall be deposited into the native Hawaiian fund:

(1) Eighty per cent of the proceeds and income from the lands and other properties patented to the State under Sections 5(b), 5(c), 5(d), and 5(e) of the Admission Act; and

(2) __________ dollars from the general fund of the State.

(c) None of the moneys paid or distributed pursuant to this section shall be expended, donated, or otherwise used for the purpose of carrying on propaganda (including the publishing and distributing of statement) or intervening in any political campaign on behalf of any candidate for public office. Any person who wilfully violates the foregoing provision shall be guilty of a misdemeanor.

(d) Immediately upon the enactment of this Act, $100,000. shall be distributed to the state native Hawaiian corporation, and $100,000. at the end of six months and thereafter $100,000. at the end of each three-month period to the state native Hawaiian corporation.

Sec. -7 Enrollment. The state native Hawaiian corporation shall prepare within two years after the date of enactment of this chapter, a roll of all native Hawaiians who were born on or before, and who are living on, the date of enactment of this chapter, as a resident of this State. Any adverse decision for enrollment may be appealed to the circuit court of the first circuit. All costs of such appeals shall be paid by the applicant; provided that if such applicant shall be found eligible for enrollment, all costs of appeal shall be paid by the corporation.

Sec. -8 Staff appointments. The appointment of any person to any paid position, other than officers and elected trustees shall be based upon selection from a list of the highest qualified applicants to announcements in a newspaper of general circulation in the county in which the position exists. No unqualified applicant shall be appointed to any paid position. All appointments to a paid or unpaid position shall be confirmed by the trustees of the corporation in which the applicant shall be appointed.

Sec. -9 Ho'Ala Kanawai, Inc., (Awakening the Law). The Ho'Ala Kanawai, Inc., (Awakening the Law), a nonprofit corporation chartered by the State for the health, education, and welfare purposes for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, under Section 5(f) of the Admission Act, is declared to be the state native Hawaiian corporation to carry out the provisions of this chapter. The first officers and trustees of Ho'Ala Kanawai, Inc., (Awakening the Law), shall hold office for the first year or until their successors have been duly elected pursuant to the bylaws of the corporation, the articles of incorporation, and this chapter.

Sec. -10 Tax. No grants or funds paid to any corporation under this chapter, or to a native Hawaiian under this chapter shall be taxable."

SECTION 2. Upon the effective date of this Act there is appropriated out of the general revenues of the State of Hawaii the sum of $__________, or so much thereof as may be necessary, for the purposes of this Act. Such funds shall be paid into the Native Hawaiian fund.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

James Aki

FEB 23 1977

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16. Sketch Of J. Piikoi's Life, Written By Himself.

THE FRIEND, May, 1859. page 37, Translated from Ka Hae, May 4, 1859, page 4
Jona Piikoi, born 1804, died April 26, 1859

Sketch of J. Piikoi's Life, written by Himself.

About twenty days before his death, the late Hon. J. Piikoi dictated the following sketch of his life, which we translate from the *Hae Hawaii*.—[*Comm.*

I was born in the month of Iknwa (January) 1804, at Waimea, Kauai. I continued to live there until Liholiho came to Kauai, on the 22d of July, 1822. There was great feasting on the occasion of the arrival of Liholiho and the chiefs in his company, on board the vessel called the "Okikowali." The feasting took place in a house known as "Puilihale." After eating, the King called to Kaumualii,—"Oh, Kaumualii, there is plenty of poi and fish at Kauai; —one thing only is lacking—tobacco." The chief answered—"The tobacco also is ready." He then called me, saying, Piikoi, "go and do as I bid you." I consented, and a pipe having been lighted, was given to me, together with a tobacco box and a pipe-lighter, and I was directed to take them to Liholiho. The chief called out,—"Oh, the Heavens, here is the tobacco, and a servant with it." Then it was that I became a pipe-lighter; that was the first commencement of my going with Liholiho to live. My relations and friends made a great lamentation, but some said, "We have no business to wail, for he is given entirely to the King." I then went round the island of Kauai with the King and afterwards came to Oahu with him. At Waianae, I ran away in order to go with Kaumualii at Waialua. He ordered me to go back, saying that I must look to the King for my subsistance hereafter, nor desert him on any account. I accordingly returned, and continued to live with Liholiho until he went to England, and never wanted for anything to eat, drink or wear.

After the King went to England I lived with Kahalaia, and on his appointment as governor of Kauai, I accompanied him thither. After the rebellion of Humehume in 1824, we returned to Oahu, and on the death of Kahalaia, in 1826, the late King sent for me, saying "You belonged to Liholiho; why do you not come to live with me?" I said "I have come." The late King was considerate in regard to his servants. Several years later, the King gave me the charge of lands on Oahu. This duty I executed both to the satisfaction of the King and somewhat to my own profit. Subsequently, when Haalilio went to England, I received his duties to perform. About this time I was made a Member of the House of Nobles, and soon after, a Member also of the King's Privy Council. I also received from the King a very important duty—that of superintending the division of lands between the King and the chiefs at Haliimaile. When I undertook this duty, some of the chiefs said that they did not wish for me to divide the lands for them. I made reply to them that if they would not take my division, they must lose all their lands, from Hawaii to Kauai. Those were strong words, but I spoke confidently, well knowing that I had ample authority from the King. I continued to live pleasantly and happily under the late King until he left us on the 15th December, 1854.

Under His present Majesty, Kamehameha IV., whom God has graciously placed over us, I have enjoyed all my former rights of nobility, and my family and myself have enjoyed the fullest protection. May God preserve the King, and grant him a long and prosperous reign.

I have written the foregoing in great weakness, for the purpose of showing my countrymen how I rose to my present rank and position, under the protection of the King, from the humble station of a pipe-lighter.

Love to all, J. PIIKOI."

Honolulu, April 7, 1859.

16a. Petition Concerning Foreigners Taking The Oath Of Allegiance, Lahaina, June 12, 1845

THE FRIEND.
August 1845, page 119

Translated from the Elele.

CONCERNING FOREIGNERS TAKING THE OATH OF ALLEGIANCE.—Is it proper for foreigners to take the oath of allegiance?—There is perhaps a difference of opinion among foreigners on this subject; but among us, the common people, there is no difference of opinion. If it is proper for foreigners to become Chiefs, and the greater part of the wealth of the nation is to become theirs; it is proper for foreigners to take the oath of allegiance under them (i.e. under foreigners) and let the nation become a nation of foreigners. But, if the nation is ours, what good can result from filling the land with foreigners? Let us consider, lest the land pass entirely into the hands of foreigners.

The following are our thoughts:

1. *Good foreigners will become no better by taking the oath of allegiance under our Chiefs.* Good people are not opposed to us; they do not evade the laws of the Chiefs; they do not wish this kingdom to be sold to others. What good can result from their taking the oath? We do not see any good reason why they should take the oath of allegiance.

2. *Taking the oath of allegiance to this government will be the cause of greatly increasing wicked men in this land.*—Foreigners will come in who are covetous, lovers of pleasure and skilful in deeds of wickedness, they will at once take the oath for their own personal benefit. If any one wishes a good piece of land, or a wife, then he will at once take the oath, that he may immediately obtain his wishes. On account of this taking the oath, many foreigners stop on shore, and many also marry Hawaiian women.

3. *Foreigners taking the oath of allegiance will be the cause of wicked men waxing worse and worse.*—Formerly, foreigners could not

marry till they had lived on shore two years. Now, they take the oath and marry immediately the women whom they entice. Some foreigners, who have wives in America or England, marry immediately here, not having heard that they have wives in another land. Instances of this kind have occured here at Lahaina. It is our opinion that wicked men taking the oath of allegiance with no delay, will be immediately detrimental to this kingdom.

4. *It is not to benefi this people, but for their own personal interests that foreigners suddenly take the oath of allegiance to this government.* Who are they who take the oath suddenly! These are the persons. Those who want a building spot, or a large piece of land for themselves; those who wish to become Chiefs, or head men upon the lands, and those who wish to marry wives immediately. These are the persons who are quick to take the oath of allegiance under this government. Do they desire this people to become enlightened! It is not clear to us that they do. If any one of us become assistants of the Chiefs, his pay for the most part is in goods; the most of the dollars are for the foreign chiefs. The following is what school teachers get for their services, property which cannot be sold for cash, that which it is very difficult to dispose of; but property which can be converted into cash is forbiden unto us. From whence this regulation? From the foreign chiefs, not from Kauikeauli, for he desires us to be properly remunerated.

5. *What is to be the result of so many foreigners taking the oath of allegiance?*—This is it, in our opinion; this kingdom will pass into their hands, and that too very soon.

Foreigners come on shore with cash, ready to purchase land; but we have not the means to purchase lands; the native is disabled like one who has long been afflicted with a disease upon his back. We have lived under the chiefs, thinking to do whatever they desired, but not according as we thought; hence we are not prepared to compete with foreigners. If you, the chiefs, decide immediately to sell land to foreigners, we shall immediately be overcome. If a large number of foreigners dwell in this kingdom, some kingdom will increase in strength upon these islands; but our happiness will not increase; we, to whom the land has belonged from the beginning, shall all dwindle away. If we had not been loitering around after the chiefs, thinking to accustom ourselves to that mode of life, then perhaps we should be prepared to compete with foreigners. But now, where are our oxen and carts, ploughs and shovels, and other tools for cultivating the soil? In years which have past, we desired to pasture cattle, that we might have some property, but the most of us were forbidden to pasture cattle; therefore we have no cattle, nor any thing with which to purchase cattle. And now the chiefs are admitting foreigners into the country to possess the good lands of Hawaii, and to deprive us of the same, with the exception perhaps of our small cultivated patches.

Foreigners will say to us pehaps, purchase according to your ability to purchase and husband well.

Very well; but why are we poor at this time? Because we have been subject to the ancient laws, till within these few years. Is it proper at this crisis that we should be turned in with wealthy foreigners to purchase ourselves lands? That is equivalent to the land with the life of the kingdom passing into the possession of foreigners.

If this kingdom had passed into the possession of the British, then we should have mourned with regret and love for the chiefs, who had been made destitute. But if the kingdom is now given to foreigners on account of their intrigue, who will pity us? The former would have been our guiltless misfortune; the latter is our mistaken policy.

Our King and Sovereign Kamehameha, have compassion upon us, and deliver your people from this approaching perilous condition, if many foreigners shall be introduced into this kingdom. If the introduction of foreigners into this kingdom could be defered for ten years perhaps, and we could have places given us suitable for cultivation and pasturing cattle, by that time some of our embarrassments might be removed, and it might be proper to introduce foreigners into the kingdom.

But if many foreigners are introduced into the kingdom at this time, this will be our end; we shall become the servants of foreigners.

Love to you our Sovereign; our concluding remarks are recorded in Esther, IV 13, 14. "Think not with thyself that thou shalt escape in the king's house more than all the Jews. For if thou altogether holdest thy peace at this time, then shall these enlargements and deliverance arise to the Jews from another place, but thou and thy fathers house shall be destroyed; and who knoweth whether thou art come to the kingdom for such a time as this?"

From us whose names are here subscribed;—Mt Kenui, Tiona, Nawaakoa, Kilipina, Puele, Haro, Kaiahilii, Nehhena, Kiha, Bai, Kaia, K^1, Kuaha, Es. Kaua, Nahimalau, Kuameo, Kaheonioniolo, Laukua.

Lahaina, Maui, June 12, 1845.

17. Petition Concerning Sale Of Lands To Foreigners

Would Not Sell Public Lands to Foreigners

(From the Archives.)

Asking that the public lands of the Kingdom of Hawaii be withheld from white men and foreigners, a petition, dated June, 12, 1845, and signed by over three hundred Hawaiians, has been recently translated in the office of Archivist Lydecker. The document is addressed to King Kamehameha III. and the Legislature, and in it an appeal is made to the King to tend to the work of the government himself, and not to depend upon foreign officials for any length of time.

The petition in full is as follows:

Kailua, June 12, 1845.

To His Majesty Kamehameha III. and the Legislature,

Greeting: The following are the things which we wish to petition to the Legislature of the Hawaiian Kingdom: We have heard the expressions made by Judd to sell the lands to the foreigners and the prices of the same, and also Haalilio's ideas to lease the lands to the people

The things we think proper, if the nobles agree with us are these:

You chiefs must not sell the lands to the white men nor to the foreigners. The selling of lands to outsiders is not a wise course, the lands being a source of benefit to the government, the throne and the Hawaiian people. If you wish to sell or lease the lands you should sell or lease them to your own people. By so doing the lands will remain as your own and you will continue to reign over the Hawaiian people and the country and everything in Hawaii will not be taken away.

The following is the second reason of our petition to you chiefs of the nation—the granting of citizenship to foreigners by oath.

We object to this practice of the government in this respect, the granting of rights of citizenship to foreigners, as being improper in our opinion.

The dangers we wish to set before you are these: If the chiefs are to open this door of the government as an entrance way for the foreigners to come into Hawaii, then you will see the Hawaiian people going from place to place in this world like flies. They will desert Hawaii, their mother, and go to foreign countries.

The third reason of this petition to you nobles and officers of the Legislature is this: King Kamehameha III. should attend to the duties of the government himself with the assistance of his premier, the chiefs, and the learned men throughout Hawaii, who are honest. This is the best course for you to follow each day in reference to the government, and not to be wasting time, but be watchful and be diligent in all those things that will be of benefit to the people and which will bring general prosperity to the country.

Let the officials who are foreigners whom you have appointed to help in the affairs of the government and whom the chiefs think are men of superior intellect who have entered into the study of the best means of development of the resources of Hawaii, be retained by you as advisors, but under a system of agreement, say for three or four years, but not by making them citizens under oath, then at the end of the time specified in the agreement they be dismissed, otherwise they will predominate over the chiefs, the throne, the government, the people and the country, after you, the high chiefs, are dead. Then the country will be taken away by the foreigners.

The fourth reason of this petition to the members of the Legislature is this:

The people who buy and lease lands in Kauai should live on that island the same with those of Oahu, Maui and Hawaii. The chiefs and people should not leave their lands and go to other lands, but traveling from place to place for the purpose of trade should be allowed, but in course of time each trader should go back to his own land.

The fifth reason of this petition to the voters of the country is this:

When a tract of land is sold to a foreigner what will become of the men on the land? Are they sold with the land and thus become his servants? This is only intended as a means of information and you can answer this later. But according to the results of some of the lands sold in the western part of India, it is made clear that some of the black people are being sold, together with the land at this present time. If some of the chiefs had refused to sell the lands to the foreigners, we, the people, believe that the foreigners would never have had any lands.

Sent by over three hundred citizens from Kainaliu to Ahuene, the names being on record in the census book.

Petition from the citizens in Kona, Hawaii.

17. Kona Coast, Hawaii, June 12, 1845.

From State of Hawaii Archives

Wailuku June 12th 1845.

O Aloha maikai oe e ka Moi Kamehameha III a me ka ahaolelo apau loa.

1. Eia ko makou manao hoopii aku ia oukou i ka ahaolelo o ke aupuni Hawaii. Ua lohe ae nei makou i ka manao o Kauka o ke kuai o ka aina i ka haole, a me ka uku o ka aina. A me ko Haalilio mau manao o ka hoolimalima o ka aina i ka kanaka.

Eia ka makou manao maikai ia oukou ke ae mai oukou na alii ia makou. O Mai kuai aku oukou na alii i ka aina i na haole, aole hoi i ko na aina e apau. Aole ia o ka manao o ke kuai aku i ka aina i na haole, i mea e pono ai ke aupuni, a me ke noho alii, a me ka lahuikanaka Hawaii. Ina i makemake oukou na alii e kuai, a e hoolimalima mau puka, E kuai mai no oukou ia makou, i ko oukou poe ponoi, a e hoolimalima mai puka. Alaila loaa ia oukou ka aina, a me ko oukou noho-alii ana maluna o makou, a me ka lahuikanaka, aole hoi e lilo ko oukou aupuni, a me na mea apau loa ma loko o Hawaii nei.

Eia ka 2 o ka hoopii ia oukou ina alii o ke aupuni nei. O ka hookohu ana a ke aupuni na haole i mau kanaka Hawaii ponoi. Ke hoole aku nei makou i keia manao ana o ke aupuni, no laila; no ia hookiki ana o ke aupuni ina haole i kanaka Hawaii ponoi. Ua hewa kela manao ana a ko makou manao ana. Eia ka pilikia ke hoi aku nei ia oukou. Ina i waiho oukou na alii i keia puka o ke aupuni, i puka no ka lahuikanaka e, e komo ai i loko ka opu o ke aupuni Hawaii. Alaila e ike oukou na alii i ka hele liilii o na kanaka Hawaii ma kela wahi a ma keia wahi o ka honua. E like me na alualua, ke waiho ia ka puka o ko lakou aupuni, hele liilii lakou ma kela pohaku, a ma keia pohaku. Hua e mai lakou ia Hawaii i ko lakou makuahine makolohe i ko na aina e.

Eia ke 3 o ka hoopii ia oukou ina alii, a me na luna apau o ka Ahaolelo. No ka Moi Kamehameha III no ia hoopono pono kona aupuni, a me kona Kuhina iho, a me na alii apau, a me na kanaka maoli no ka pono apau o Hawaii nei. Eia no ko makou manao pono loa e hana a i ke aupuni i keia wa, a keia la. Aole ka uhaaipo ia manao aku, e kini me ka makaala loa ina hana e pono ai ke aupuni, a e waiwai ai hoi ka aina ia na [illegible] maoli.

O na luna haole a oukou a na alii i koho aku ai i mau luna no ke aupuni, ai e manao ai oukou na lakou i pae nanaua lakou i ka hana e waiwai ai ka aina ma Hawaii nei. E pono no oukou ke koho ia lakou i poe kokua ina hana o ke aupuni, aka ka olelo hoolimalima na o ke aupuni, aole nui ka olelo hookohu ai na luna haole Hawaii ponoi. Aka, i mau luna haole i kuai ia me ka olelo hoolimalima. Aka ia makahiki e hiki la, e 3 paha, e 4 paha, alaila, e hoi aku kela ~~[illegible]~~ noho ana o kela poe ma ka olelo hoolimalima ana o ke aupuni. O noho ia ~~[illegible]~~ lakou maluna o na alii, a me na makaainana, a me ke aupuni, a me ka lahuikanaka, a me ka aina, i ka wa e pau ai oukou na alii nui i ka make aku, alaila lilo ka aina i ka na aina e.

Eia ka 4 o ka hopena ia oukou i ka ahaolelo. Ke kuai pae kuai aina, a me ka lilo pae hoolimalima aina. Ma Kauai no ka lakou aina apana, a me ko Oahu, a me ko Maui, a me ko Hawaii nei. Mai haalele kela alii, a me keia alii, kela kanaka, a me keia kanaka i ko lakou aina ponoi iho; a ua noho aku ma kela aina, a me keia aina. Aka o ke kalepa ma kela aina, a ma keia aina, e ~~[illegible]~~ no ia ko na ina kanaka. I ka wa pono e hoomaemae kela mea a me keia mea i ko lakou aina iho, alaila e hoi kela kalepa, a me keia kalepa i ko lakou aina ponoi.

Eia ka 5 o ka hopena ia oukou ia alii o ke aupuni. Ina paha e kuai ia e kela haole, a me keia haole ka aina. O kela apana aina, a me keia apana aina, i kuai ia i ke dala i kela haole, a me keia haole. Ko na aina e. Aole anei kela poe kanaka e noho la maluna o ka aina, i make i ke kuai ia e kela haole a me keia haole? He ninau hookahi wale no keia ia oukou. Aia paha i ka manao pono e akaka mai ai keia ninau, a me ka ano o keia kuai ana. Aka, ma ke ano o ka hana a kekahi poe haole kuai aina ma Inia Komohana, ua akaka loa ka lilo o na kanaka-olelo, a me ka aina no lakou i keia manao e noho nei lakou. Aole i pau ka make o kekahi alii i oukou, aole i ae aku e kuai i ka aina ia haole. Pela no hoi ko makou manao ko na kanaka maoli, aole ke aina o na haole. Na makou, aia no kuuai [illegible], a me kolu kea. O na makaainana, kai Kainalu a Ahuena. Eia no ka lakou poe ino, na poe ma ka na kaua kuke Lele-Kanaka.

Na Laupili a na makaainana no Kona nei
Hawaii.

18. Petition Concerning Independence, Foreigners In Government And Sale Of Lands To Foreigners, Lahaina, June, 1845.

THE FRIEND.

August 1845, page 118

Translated from the Elele, for the Friend.

A Petition to your gracious Majesty, Kamehameha III., and to all your Chiefs in Council assembled.

To His Majesty Kamehameha III., and the Premeir Kehauluahi, and all the Hawaiian Chiefs in council assembled; on account of our anxiety, we petition you, the father of the Hawaiian kingdom, and the following is our petition.

1. Concerning the independence of your kingdom.

2. That you dismiss the foreign officers whom you have appointed to be Hawaiian officers.

3. We do not wish foreigners to take the oath of allegiance and become Hawaiian subjects.

4. We do not wish you to sell any more land pertaining to your kindgom to foreigners.

5. We do not wish taxes in a confused obscure manner to be imposed in your kingdom.

6. This is the cause of our wishing to dismiss these foreign officers. On account of difficulties and apprehensions of burdens that will come upon us. There are your chiefs, who may be officers under you, like as their fathers were under your father, Kamehameha I., and good and intelligent men, in whom you have confidence; let these be officers.

Therefore we make known unto your most gracious Majesty, and to the Premeir Kekaulohi, and to all the chiefs of the Hawaiian kingdom, some of our thoughts relative to the above named articles.

1. Concerning the independence of the Hawaiian kingdom.

We assure your Majesty, and the Premeir Kekauluohi, and the Chiefs and all your common people that we understand your kingdom to be independent. You and your Chiefs perceived the perilous situation of the Hawaiian kingdom in reference to foreigners. Therefore you sent one of your own men and a foreigner, viz: T. Haalilio and Mr Richards, respectfully to beseech large independent nations that your nation might be independent. These large nations, viz: the United States, Great Britain, France and Belgium, have declared your kingdom to be independent. By this distinct expression, that these large nations have declared the independence of the Hawaiian kingdom, therefore it is very clear to us, that it is not proper that any foreigner should come in and be promoted in your kingdom, among your Chiefs, and your people. But that it be according to the petition of the ministers, whom you sent to these large nations, praying that the Hawaiian kingdom might be independent by itself.

This is independence; that your gracious Majesty, Kamehameha III. be King, and the Chiefs of your kingdom be your assistants, and also your own people.

Thus may you and your Chiefs act, that your kingdom and all your people may be blessed.

On accout of these our thoughts, we petition and beseech you and your Chiefs.—

We the common people of your kingdom hereby subscribe our names.

[It is said that over 1600 names were subscribed to this petition.]

19. Reply Of The Legislative Council And The King To The Petitions From Native Hawaiians, July, 1845.

From THE FRIEND, August 1845, pages 118-119

REPLY OF THE COUNCIL ASSEMBLED TO THE PETITION.

JULY 3d, 1845.

To His Majesty and to the Nobles of the Council assembled, and to the delegates of the common people.

This is our reply to the petition of the common people of Lahaina, and Wailuku and Kailua, and it is submitted for your approbation or disapprobation.

1. "Concerning the independence of your kingdom."

This is the meaning of independence;—that Kamehameha III. be King of the Hawaiian Islands, and there be no other King over him. This is the reason of the independence; Great Britain and France, America and Belgium say that "the Hawaiian government are qualified to transact business with foreigners."

How can they transact business with foreigners? In this way only; let His Majesty select persons skilful like those from other lands to transact business with them.

2. "That you dismiss the foreign officers whom you have chosen to be Hawaiian officers."

If these shall be dismissed, where is there a man who is qualified to transact business with foreigners? There is no one to be found at the present time; hereafter perhaps the young chiefs will be qualified, when they have grown up to manhood, and shall have completed their education.

3. "We do not wish foreigners to take the oath of allegiance and become Hawaiian subjects."

Shall foreigners who become officers take the oath? If not, then they have a chief in another land, and Kamehameha III. is not their proper sovereign, and they will not act righteously between the King and their own countrymen. But if they take the oath of allegiance to Kamehameha III., will they not be faithful to him. And will they not cease to have regard for the chief they have forsaken?

Shall other foreigners take the oath of allegiance? This is a land which lies where ships in the Pacific ocean often come. Shall not foreigners come on shore? They do come on shore. Can they not be permitted to live on shore?—According to the treaties they can. Who shall be their proper sovereign? Will not difficulties arise between some of them and the Hawaiians? Difficulties will arise, for formerly there were many difficulties, and the land was taken; it was not taken because the government was really in the wrong, but because evil was sought. Here is the difficulty which ruins the government, viz: the complaint of foreign governments followed by the infliction of punishment. Foreigners who take the oath of allegiance can apply to only one sovereign, viz: Kamehameha III.; he will adjust their difficulties in a proper manner, and they will render important services to Hawaii, their land.

Some say, let none but good foreigners take the oath of allegiance. How then shall it be with those who are not good? Shall they not live on shore? How can they be driven off? Shall they be put on board another man's ship? If so, the owners will forsake the ship, and the government must pay the damages. Messrs. Bachelot and Short were thus treated, and the result was a fine of $20,000.

Let no one have apprehensions concerning those who take the oath of allegiance. If they conduct properly, then the land is blessed by them. If they transgress, here are laws to punish them, and there is no other nation which will interfere in behalf of wicked foreigners, when we punish them. Here is wherein other nations will favour us; they will not take the part of their people, who transgress our laws, neither will they punish us without a cause, as they did formerly.

4. "We do not wish you to sell any more land pertaining to your kingdom to foreigners."

This is our opinion; it is by no means proper to sell land to aliens, nor is it proper to give them land, for the land belongs to Kamehameha III.; there is no chief over him. But we think it is proper to sell land to his Majesty's people, that they may have a home. But if these persons wish to sell their lands again, they cannot sell to aliens, for there is only one sovereign over those who hold lands; but if the people wish to sell to those who have taken the oath of allegiance, they can do so, for Kamehameha III. is King over them. If his Majesty thinks it expedient to sell lands to his own people, is it proper for him to refuse another, who has forsaken the land of his birth, and his first chief, and become a Hawaiian subject! By no means, for this would be using partiality. There has not been much land sold, but foreigners have heretofore occupied lands through favor, without purchasing. It is better to sell. The people have not thought much about purchasing lands; but those who have been to the Columbia River, see the advantage of purchasing land, and they will hereafter wish to purchase lands.

If the common people had petitioned that land should not be sold to sailors, would not the petition be unjust! It is proper to sell small farms to natives and also to foreign subjects, and let them cultivate alike, that the skilful may instruct the ignorant in the work.

5. "We do not wish taxes in a confused obscure manner to be imposed in your kingdom."

That is right, they are not thus imposed. They were so indeed, formerly, to the injury of the common people; but now this matter is regulated by law, and so it will be hereafter should new laws be enacted.

This is our reply to the petition laid before you, with due reverence.

JOHN YOUNG.
JOHN II.

This reply was corrected and approved by the assembly of chiefs and delegates of the common people in the hall of legislation, on the 8th of July, 1845, with no dissenting voice.

KAMEHAMEHA.

20. Response By Native Hawaiians In Lahaina To Reply To The Petitions Of 1845

From the State of Hawaii Archives

Lahaina, Maui., Aug. 1845.

To the King and our lord the Premier under you. Have pity upon us your beloved children of the land, and harken to the voice of your servants. We wish to inform you that we still have in our minds those things which we have sent to you, and which are in your presence and in the presence of the Nobles of the Honorable Legislature of the Hawaiian Kingdom. Our wishes at this time, are the same as those expressed by us to you, it shall never change, because we are positive of the troubles that are sure to come to your government, to ourselves even to the first and third generations after us. If we have erred it is but proper that you two show us wherein we your humble servants have done so.

We still look with pride the gl ory of our Rulers and of our services under you. But with all this you have seen fit to surrender your throne to the care of the foreigners.

Alas, for us you now dislike us and you together with your chiefs have turned and followed the advise of the foreigners.

Aloha to the King and the honored Premier of the Hawaiian Kingdom.

" By more than 1600. of your true
servants in Lahaina.

Per. Z. P. Kaumaea.

From the State of Hawaii Archives

Lahaina, Maui, Aug. 1845.

E ka Moi e, a me ko makou Kuhina malalo ou. e aloha mai ia makou i ka olua mau keiki aloha o ka aina. E haliu mai ko olua manao i na olelo a ka olua mau kauwa.

Ke hoike aku nei makou ia olua i ka pauole o ko makou manao no na mea a makou e hike aku la imua o olua, a me na 'lii a [illegible] kanaka no o ke Aupuni Hawaii nei.

O ko makou manao i keia wa, ua like no me na manao i hoike ia ku la imua o oukou. Aole e loli ko makou manao; no ke akaka ia makou na pilikia e ili mai ana maluna o kou Aupuni. Ane makou kekahi, mai ke kia kahi a ke kuahua aku. E haaka ka mai ka pono, a me ka hewa [illegible] a olua pono mai o ka hana a ka olua mau Alii. Aole i pau ko makou minamina i ka noho o na 'lii, a me ko makou noho ana malalo ou e ka Moi a me na 'lii malalo ou. O ko ka hana wale no ka ia i kou noho alii ana malalo o na haole.

Aloha ino makou i kou kuuwahawaha mai ia makou a huli aku [illegible] a me [illegible] pono alii malalo o na haole.

Aloha nui i ka Moi kanaka me ke Kuhina nui o ke Aupuni Hawaii;

Na ka olua mau kauwa, Piaid.
[Iaoa Iaku] ma Lahaina

Na Z. P. Kaumaea e kau iho.

20a. Foreigners Who Participated In The Great Mahele.

FOREIGNERS WHO PARTICIPATED IN THE GREAT MAHELE

Foreigners who participated in the Great Mahele were not the most distinguished citizens of the kingdom, except for the case of G.P. Judd and T. Tute. The names and important data are the following:

Robert G. Davis; an auctioneer.

John Hall; former captain of the government schooner, Hoikaika.

Gerrit P. Judd; minister of finance, etc.

John Stevenson; served the king.

George Shaw; owner of the schooner, Maria.

William Stevens; no observable and recorded position.

George Holmes; no observable and recorded position.

T. Tute; a Tahitian who was in the service of the governor of Oahu, chief Boki.

20b. Distinguished Foreigners Who Did Not Participate In The Great Mahele

DISTINGUISHED FOREIGNERS WHO DID NOT PARTICIPATE IN THE GREAT MAHELE

William Paty; collector of customs.
A.P. Parsons; attorney at law.
John R. Jasper; attorney at law.
R.C. Wyllie,; minister of foreign affairs.
Samuel C. Damon; officer in foreign office.
Charles G. Hopkins; police justice.
Lorrin Andrews; associate justice.
John Ricord; attorney general.
Richard Armstrong; minister of public instruction.
James Campbell; merchant.
Stephen Reynolds; trustee, Oahu Charity School.
Robert W. Holt; trustee, Oahu Charity School.
F. W. Thompson; trustee, Oahu Charity School.
T. C. B. Rooke; trustee, Oahu Charity School.

20c. Foreigners Who Received Great Mahele And Kuleana Awards In 1848-1850

FOREIGNERS WHO RECEIVED GREAT MAHELE AND KULEANA AWARDS IN 1848-1850

Awardee

Adams, Alexander
American Bd. Comm. Foreign Missions
American Seaman's Friend Society
Andrews, Lorrin
Antonio, Peke
Armas, Joaquin
Atkins, James
Anderson, John
Anderson, Peter (heirs of)
Auld, Andrew
Austin, James
Aylett, Marry Ann
Bacle, William
Bailey, Edward
Baldwin, Dr.
Bankcroft, John L.
Barker, Robert S.
Beadle, William
Beck, Martin
Beckley, George (heirs of)
Beckley, William
Bell, William
Birch, Alex. M.
Blanchard, Harriet
Booth, Joseph
Bond, Elias
Booth, Joseph
Brewer, Chas. & Co.
Bright, Edmund
Brooks, Henry L.
Burrows, Solomon. D.
Bush, George H.
Butler, Edmund R.
Carter, Jos. O.
Castle, Daniel
Castle, S.M. & Cooke, Amos S.
Castle, S.M.
Caswell, F.
Catalina, Anthony
Chamberlain, Maria P.
Chanin, O.
Clark, John
Clarke, Ephraim W.
Coan, Titus
Cockett, Chas
Coles, Kuakaeleiki
Collis, John
Cooke, Amos S.
Copp,

Awardee

Copp.
Crowder, John
Crowningburg, William
Cummins, Thomas
Daniel
Dany, William S.
Davis, Frank
Davis, Harriet S.
Davis, John
Davis, Kali
Davis, Robert
Davis, W.H.
Dawson, John
Dennis, Edward
Dominis, John
Dowsett, Mary
Dudoit, Jules
Duke, John
Edmond, William Humphreys
Emerson, John S.
Emmersly, Thos.
Farmer, Henry, Hannah & Nancy
Fay, James
Fayerweather, A.H.
Fernandes, Anton
Ford, Richard (heirs of)
French, William
Gandall, Thomas
Gieersen, D.C.
Golia, S.
Grant, Stephen
Gravier, Elizabeth
Gravier, Louis
Grimes, E. & H.
Grimes, Hiram
Grimes, Elias
Gulick, Peter I.
Hale, D.
Hall, James
Harbottle, A.
Harbottle, T.
Harbottle, William
Hardwick, Helen
Holmes, Charlotte
Holmes, George
Holmes, Polly (heirs of)
Hooper, Charlette A.
Hoyer, Cornelius
Hughes, Wm.

Awardee

Hunt, Thos.
Johnston, Rebecca M.
Jones, Bowers, B.
Jones, Eli
Jones, Emma (Mapu Piianaia)
Jones, F.R. & T.
Jones, Hannah A.
Jones, Hannah, (heirs of)
Jones, William
Joseph, Manuel, Wm. & Maria
Judd, Gerrit P.
Kellet, John
Lewis, Isaac
Lewis, S.G. by Keoki
Louzada, James
Lyman, D.B.
Maigret, L. D.
Manuel, Antone
Maughan, Cruz
Macy, Geo. W.
Martin, J.
McLane, Wm.
Meek, John
Miner, Edwin
Moore, Geo. M.
Munn, John G.
Nadal, Jose
Neck, Issac
Nowlien, Michall J.
Ogden, Maria
Paris. John D.
Parker, J. P.
Pelly, Geo.
Perkins, John G.
Phillips, Thomas
Pitman, Benjamin
Previer, John
Purdy, Harry
Ragsdale, Alex.
Rees, Lewis
Reynolds, Stephen
Rice, Samuel
Richards, John
Richardson, John & Co.
Rives, J. & G.P.
Robinson, James
Robinson, J. & R. Lawrence
Robinson, J. & Co.
Rodgers, E.M.
Rodgers, Zaccheus
Roman Catholic Church

Awardee

Rowell, Geo. B.
Rooke, T.C.B.
Ruddoch, James
Sa, Thomas
Sam, Antonio
Sampson, Zephaniah
Sams, Thomas
Seabury, I.
Serang, Alias Lani
Shaw, George & Maunahina
Shaw, John
Shaw, William
Sigalas, Hannah
Smith, James W.
Stevens, William
Stevenson, John
Stivini, William
Stupplebeen, Jacob
Sullivan
Summner, Wm. (heirs of)
Swinton, Harry S.
Sylva, Anthony
Thomas, John
Thomas, Joseph
Thompson, Samuel
Thornton, Chas.
Thornton, Geo.
Tute, Kalawela T.
Tute, T.
Vincent, C.W.
Vincent, John
Vonfister, John E.
Voss, John
Vowles, Geo. B.
Walker, James
Walker, William
Wallace, William
Weeks, Henry
Wetmore, Chas. H.
White, John
Whitney, Mercy P.
Whitney, Romila
Wilkinson, Geo. Est.
Wilson, Wm. Blossom
Wond, Wm.
Wood, Geo.
Wood, J.
Wood, O.R.
Wood, Robert W.
Wright, W.
Zupplien, Henry

21. Rehabilitation Of Native Hawaiians, House Report No. 839 To Accompany HR 13500, 66th Congress, Second Session

[illegible] Congress, } HOUSE OF REPRESENTATIVES. { Report
[illegible] Session, } { No. 839.

REHABILITATION OF NATIVE HAWAIIANS.

April 15, 1920.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Curry of California, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 13500.]

The Committee on the Territories, to whom was referred the bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish a Hawaiian Homes Commission, and for other purposes, having considered the same, report thereon with the recommendation that it do pass.

WORK OF THE COMMITTEE.

The basis of the present bill is a series of concurrent resolutions passed by the Legislature of the Territory of Hawaii during the session of 1919, proposing various amendments to the organic act of the Territory. On the last day of the session of 1919, the legislature of the Territory, also by concurrent resolution, authorized the governor to appoint a "Legislative Commission of the Territory" to come to Washington and assist the Territorial Delegate to Congress in the presentation of any measures formulated in pursuance of the recommendations contained in the resolutions passed by the legislature. The legislative commission was comprised of C. J. McCarthy, governor; Harry Irwin, attorney general; Robert W. Shingle, member of the senate; John H. Wise, member of the senate; W. T. Rawlins, member of house of representatives; and Henry J. Lyman, member of house of representatives.

The legislative commission offered, at the hearings held by the committee from February 3 to February 10 of this year, their views as to the necessity for the passage by Congress of measures along the lines indicated in the resolutions. The more important of the propositions discussed related to the land situation in the Territory and consisted of amendments to the existing land laws, together with what is commonly known as Senator Wise's plan for the rehabilitation of the Hawaiian race. (See Hawaiian S. Con. Res. No. [illegible] and reference thereto in Hawaiian H. Con. Res. No. 28.) The legislative commission expressed itself as unanimously in favor of legislation upon these subjects; and subsequently a general bill, H. R. 12683, comprehending these matters, together with some minor amendments of the organic act of the Territory, was introduced by the Delegate, Hon. J. K. Kalanianaole. The committee's painstaking and detailed consideration of H. R. 12683, both in the subcommittee and the full committee, resulted in its complete revision and the introduction and report to the House of the present bill, H. R. 13500, to be known as the Hawaiian Homes Commission Act, 1920.

NATIVE HAWAIIANS—A DYING RACE.

As shown by the following charts, the number of full-blooded Hawaiians in the Territory has decreased since the estimate of 1826 from 142,650 to 22,500, while the death rate has correspondingly increased until it is now greatly in excess of that of any other race inhabitating the islands:

Population—native Hawaiians.

Years.	Part Hawaiians.	Full-blooded Hawaiians.
1826, estimated by missionaries		142,650
Hawaii official census:		
1832		130,313
1836		108,579
1850		82,203
1853		71,019
1860		67,084
1866		58,765
1872	2,487	49,044
1878	3,420	44,088
1884	4,218	40,014
1890	6,186	34,436
1896	8,485	31,019
United States official census:		
1900	8,835	29,799
1910	12,506	26,041
1919, estimated June 30	16,660	22,600

Race death rate for year ending June 30, 1919.

	Death rate.
Hawaiian:	
Full-blooded	39.42
Part:	
Asiatic	14.58
Caucasian	16.17
Filipino	18.55
Korean	14.31
Chinese	14.12
Porto Rican	13.70
Japanese	13.35
Portuguese	12.48
Spanish	9.58
Caucasian, other than specified	6.26
All others	35.41

Furthermore, due to the rapid decrease in the number of the full-blooded Hawaiians, the race is fast becoming a minority element among the races of the Islands, with the probable result that in the future political control will pass into other hands. According to the latest estimates not only the Japanese and Portuguese, but also the Chinese, now outnumber the full-blooded Hawaiians.

Population, all races.

Races.	Census of 1910.	Estimated June 30, 1919
Japanese	79,675	110,000
Caucasian, other than specified	14,867	31,000
Hawaiian:		
Full-blooded	26,041	22,600
Part	12,506	16,660
Total Hawaiian	38,547	39,260
Portuguese	22,301	25,000
Chinese	21,674	22,800
Filipino	....	22,000
Porto Rican	4,890	5,400
Spanish	1,990	2,400
All others	7,964	5,806
Total	191,908	[1] 263,666

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[1] The results of the 1920 United States Census, just announced, show the total population of the Territory to be 249,992. The results by races are not yet available.

And among the registered voters the full-blooded Hawaiian and the part Hawaiian combined are not holding their own with the other nationalities:

Registered voters, by races, at each general election.

	Population, 1910.		Registered voters.											
	Total.	Male citizens of voting age.	1900	1902	1904	1906	1908	1910	1912	1914	1916	1918	Gain.	Loss.
Hawaiian, full blooded and part	38,547	9,802	......	8,680	9,260	9,635	8,967	9,619	9,435	10,308	10,763	10,901	138	.....
Portuguese	22,301	2,025	......	594	728	939	1,230	1,530	1,769	2,317	2,610	2,844	234	.....
Chinese	21,674	670	......	143	175	220	272	396	486	654	777	954	177	.....
Japanese	79,675	53	......	3	2	......	6	13	48	112	179	287	108	.....
American	29,711	5,783	......	1,932	1,872	1,674	1,715	1,763	2,305	3,020	3,284	3,810	526	.....
British				546	542	563	567	554	544	629	648	636	......	12
German				309	301	301	322	333	299	659	720	692	......	28
Others				405	373	240	195	234	239	......	......	......	......	.....
Total	191,908	18,333	11,216	12,612	13,253	13,578	13,274	14,442	15,185	17,699	18,981	20,124	1,183	40
Increase	......	......	......	1,396	641	325	304	1,168	743	2,514	1,282	1,143	......	.....

Witnesses testified before the committee that the reasons for the decline of the Hawaiian race are many. Certain causes and remedies are suggested in the opinions of ex-Secretary Lane and Senator Wise of the Territorial Legislature, as stated in the hearings:

> Mr. WISE. I will come to the next point of my claim, and that is that the Hawaiian people are a dying people. * * * I would like to have the committee just pause for a moment and look back at the Hawaiians, a noble race, who in 1778, according to Cooks' estimate, were 400,000 individuals. Allowing that Capt. Cook's estimate was much too high, the first official census was taken in 1832 and the number placed at 113,319. The estimated population in 1919 was 22,600 pure Hawaiians and 16,660 part Hawaiians. The Hawaiians were never savages, as I said. They had their system of schools even though they did not have a written language.
>
> The causes of the decline of this race are many. * * * Now, the taro, the Hawaiian food, was the only food they had for generations, outside of sweet potatoes. When civilization came into the country, other kinds of food were brought in. When they

leased their land, the cultivation of taro became scarcer, and they had to pay higher prices to get taro, and consequently the poor Hawaiians had to take what taro they had and mix it with flour and other things, which made the quantity but not the quality.

Right here I would like to take up the time of the committee in explaining the different values of food. the ingredients of food. You take rice. A Chinaman would pick his own rice and say, "Do not give me any Japanese rice, because I would not be able to live on it." And the Japanese would select the Japanese rice, not the same rice that the Chinaman uses. Yet a lot of men could not tell the difference between the two kinds, except that one is stouter. If for centuries the Japanese have not been able to live on the Chinese rice and the Chinese have not been able to live on the Japanese rice, how could the Hawaiians live on this mixed food they get to-day? That, I contend, is why they are deteriorating and becoming extinct. The idea in trying to get the lands back to some of the Hawaiians is to rehabilitate them. I believe we should get them on lands and let them own their homes. I believe it would be easy to rehabilitate them. The people of New Zealand are increasing to-day because they have the lands to live on and are working out their own salvation.

Mr. Dowell. Do they want to homestead these lands and care for them?

Mr. Wise. Yes. * * * The Hawaiian people are a farming people and fishermen, out-of-door people, and when they were frozen out of their lands and driven into the cities they had to live in the cheapest places, tenements. That is one of the big reasons why the Hawaiian people are dying. Now, the only way to save them, I contend, is to take them back to the lands and give them the mode of living that their ancestors were accustomed to and in that way rehabilitate them. We are not only asking for justice in the matter of division of the lands, but we are asking that the great people of the United States should pause for one moment and, instead of giving all your help to Europe, give some help to the Hawaiians and see if you can not rehabilitate this noble people. (Hearings, pp. 38–39.)

* * * * * * *

Secretary Lane. One thing that impressed me there was the fact that the natives of the islands, who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty. They never owned the land of the islands. The land was owned by the King originally, and they had in 1848 what they called a mahele, in which there was a division. As a result of that and legislation that passed subsequently, we have approximately 1,600,000 acres of public lands in the islands. Most of that land is not suitable for making homes. Large bodies of it are lava land or grazing land. Some of it is the very finest quality of land, perhaps 120,000 acres, approximately.

Nobody knows just what the population, the Hawaiian population, was 100 years ago when the missionaries came. Perhaps it was as much as 200,000, probably less. At any rate, now the population is approximately 40,000 of those who have full Hawaiian blood or part Hawaiian blood. In my judgment, from the limited knowledge I have of the history of the islands, those people, the natives, were not treated fairly in the division of the lands that was made in 1848. At any rate, they are a problem now and they ought to be cared for by being provided with homes out of the public lands; but homes that they could not mortgage and could not sell. They are a most lovable people, a kindly people, and a generous people. They have arts of their own which endear them to the people who visit the islands. It is not altogether the beauty of the islands that attracts people there. It is the spirit that they see and the old civilization that they meet. There is a thriftlessness among those people that is characteristic among peoples that are raised under a communist or feudal system. They do not know what the competitive system is and they will get rid of property that is given them. They do not look forward. They can not see to-morrow. Therefore, they should be given as close identification with their country as is possible and yet be protected against their own thriftlessness and against the predatory nature of those who wish to take the land from them, and who have in the past * * *.

Mr. Monahan. And, a second question I want to ask is, What has caused this dying away of the race from 200,000 down to 35,000 or 40,000?

Secretary Lane. Two things. It is always incident to the coming in of civilization, and we always carry disease germs with us to which those people are not immune. Take in Alaska to-day, the influenza and smallpox goes into a village in Alaska and will take one-half of the population. Of course, there are no such ravages in the United States because we, in the course of time, have become somewhat immune to those germs.

Mr. Dowell. And then, too, we are better equipped to care for them.

Secretary LANE. Yes, better equipped to fight, both on the insides of ourselves and outside of ourselves. We have better medical facilities and, of course, we have developed within ourselves a fighting germ in opposition.

No one can say what the fate of a race is. To-day the Indian in the United States is probably increasing. We have 320,000 people of some Indian blood, one hundred and more thousand of those who might be called full-blood Indians. By reason of the facts of putting hospitals on the reservations and doctors and bringing the women when they are bearing children to the hospital, their population is increasing so that we probably have more Indians in the United States to-day than we had during Lincoln's time. And we shall probably have more Indians 10 years from now than we have to-day. These people, the Hawaiians, of course, live an out-of-door life, but they are subjected to the diseases that were brought to them by the sailors a long time ago. * * *

Mr. HUMPHREYS. I was told when in the islands that probably the measles had killed more of them than anything else.

Secretary LANE. Of course that is a very dangerous disease when it is not properly taken care of.

Mr. WISE. If I may interrupt, it was the smallpox that carried off more than any other disease.

The CHAIRMAN. Is it not true that the measles carried off almost one-half?

Mr. WISE. The measles carried off a big lot of the people, but we lost more from smallpox than from anything else.

(Hearings, pp. 121–2 and 127–8.)

THE PRESENT LAND SITUATION IN HAWAII.

The second great factor demanding the passage of this bill lies in the ineffectiveness of all previous systems of land distribution, when judged practically by the benefits accruing to the native Hawaiians from the operation of such systems. In 1845 an act was passed creating an executive department in which a Board of Royal Commissioners to Quiet Land Titles was established. This board decided that there were but three classes of vested original rights in land, those of the King or Government, the chiefs, and the people. Later, in 1848, a division was made setting apart the land in three portions. The King and chiefs received for their portion 1,619,000 acres and the Government 1,505,460 acres. Of the balance, amounting approximately to 984,000 acres, the common people received but 28,000 acres at that time, and the residue reverted to the Crown. But having been recognized as owners of a third interest in the lands of the kingdom, the common people, believing that in the future means were to be adopted to place them in full possession of these lands, assumed that the residue was being held in trust by the Crown for their benefit. However, the lands were never conveyed to the common people and, after a successful revolution, were arbitrarily seized, and by an article in the Hawaiian constitution became the public lands of the Republic of Hawaii.

Subsequently upon the report of a commission sent to investigate the land laws of New Zealand as applied to the Maoris, the Hawaiian land act of 1895 was adopted. An attempt was made to place the Hawaiians back upon the land; and so under the act homesteading was commenced in the Islands. Leases of 999 years were granted for small sums with restrictions upon occupation, alienation, and descent. After the annexation, the act of 1895 was continued in force, with certain implied amendments and repeals, by section 73 of the Hawaiian organic act passed by Congress, June 14, 1900. In 1910, section 73 was amended in several respects. The most important of these amendments are that leases of agricultural lands are limited to terms of 15 years and must contain a withdrawal clause, and that upon the application of 25 citizens of the United States, or persons eligible to become citizens of the United States, it is mandatory upon the land commissioner to homestead any desired lands, the lease of which has expired or contains a withdrawal clause. About one-half of the homesteads went to the native Hawaiians, though these homesteads average less per acre in value than those of the other races. (Hearings, p. 58.) The Hawaiians also in a great many cases proved unable to fulfill the conditions necessary to obtain patents for their lands, and so forfeited the homesteads.

Your committee thus finds that since the institution of private ownership of lands in Hawaii the native Hawaiians, outside of the King and the chiefs, were granted and have held but a very small portion of the lands of the Islands. Under the homestead laws somewhat more than a majority of the lands were homesteaded to Hawaiians, but a great many of these lands have been lost through improvidence and inability to finance farming operations. Most frequently, however, the native Hawaiian, with no thought of the future, has obtained the land for a nominal sum, only to turn about and sell it to wealthy interests for a sum more nearly approaching its real value. The Hawaiians are not business men and have shown themselves unable to meet competitive conditions unaided. In the end the speculators are the real beneficiaries of the homestead laws. Thus the tax returns for 1919 show that only 6.23 per centum of the property of the Islands is held by native Hawaiians and this for the most part is lands in the possession of approximately a thousand wealthy Hawaiians, the descendents of the chiefs.

Tax returns for 1919.

Taxpayers.	Number of taxpayers.	Valuation of real property.	Number of taxpayers.	Valuation of personal property.	Total valuation.	Percentage.
Corporations, firms, etc.	783	$88,909,410	1,023	$96,715,185	$185,624,595	74.09
Anglo-Saxons	3,312	26,656,188	3,499	4,723,276	31,379,464	12.53
Hawaiians	5,878	13,670,508	1,913	1,934,609	15,605,117	6.23
Portuguese and Spanish	2,665	5,619,076	1,622	917,411	6,536,487	2.61
Chinese	1,631	3,140,305	1,367	1,656,250	4,796,555	1.91
Japanese	1,183	1,897,764	3,461	4,684,364	6,582,128	2.63
Total	15,452	139,893,251	12,885	110,631,005	250,524,346	100.00

Gov. McCarthy says, in this connection:

> Gov. McCarthy. I see what you are driving at, and theoretically it is all right, but our experience in homesteading has been this, that a man gets Government land at a nominal price, what is considered a nominal price in Hawaii, and he goes on it, and just as soon as he has perfected his title, the first thing he wants to do is to sell it, and he gets the real value. Now, mind you, the Territory passes the title of the land to the man and they say that the welfare of the country depends on numerous small farmers; put the people on the land and the country is going to be successful. That is the theory. In practice these people go on these lands until they have acquired the title, and then they sell them at their real value. Some of them have made money possibly in that land while they have been cultivating it. Others have just eked out an existence. (Hearings, pp. 78, 79.)

The public lands of the Islands were, upon June 30, 1917, the latest officially reported figures, composed as follows:

Public lands of the Territory of Hawaii, June 30, 1917.

Classification.	Area in acres.	Estimated valuation.
Agricultural lands:[1]		
Sugar-cane land	31,659	$3,387,515
Other agricultural lands, including fruit and coffee	18,793	419,444
Total	50,452	3,816,959
Pastoral lands:		
First class (estimated)	169,130	....
Second class (estimated)	316,980	....
Total	486,110	1,361,303
Wet lands (rice and taro)	1,299	163,800
Fish ponds	358	3,534
Forest lands:		
Forest lands without reserves	215,085	....
Forest lands within reserves	349,945	....
Total	565,030	....
Waste lands	307,950	....
Lands under homestead leases, but not yet patented (June 30, 1919)	40,400	....
Grand total (comprises approximately one-third of the lands of the islands).	1,651,599	....

[1] Agricultural lands are by law (see sec. 351 of the Revised Laws of Hawaii of 1915) classified as first-class agricultural lands and second-class agricultural lands. First-class agricultural lands include "lands suitable for the cultivation of fruit, coffee, sugar, or other perennial crops, with or without irrigation." Second-class agricultural lands include "lands suitable for the cultivation of annual crops only." Statistics, however, are not available for this method of classification.

TITLE II OF THE BILL—THE HAWAIIAN HOMES COMMISSION.

General policy.—In view of the conditions above outlined, your committee believes it necessary to provide another and different method of homesteading in the Territory of Hawaii, as a basis for the solution of the problem confronting it. Your committee is, however, of the opinion that (1) the Hawaiian must be placed upon the land in order to insure his rehabilitation; (2) alienation of such land must, not only in the immediate future but also for many years to come, be made impossible; (3) accessible water in adequate amounts must be provided for all tracts; and (4) the Hawaiian must be financially aided until his farming operations are well under way. In framing such a program your committee is in a general way following the broad outlines of Senator Wise's plan. Moreover, not a dollar is required to be appropriated by the Federal Government.

Hawaiian Homes Commission.—Sections 203 and 204 set aside for these purposes approximately 194,300 acres of undeveloped agricultural and pastoral lands, to be known as "Hawaiian home lands." No cultivated sugar-cane lands are included. No existing lease covering any of the lands is condemned, but is to be terminated only in accordance with its provisions, by expiration or withdrawal if a clause to that effect is contained in it. These Hawaiian home lands are placed under the control of a commission to be known as the Hawaiian Homes Commission. The commission is composed of five members, the governor of Hawaii and four members to be appointed by him, by and with the advice and consent of the Senate of the legislature of the Territory. At least two of the appointed members of the commission must be native Hawaiians. (See sec. 202.) The term "native Hawaiian" is defined (see par. (7) of sec. 201) as descendants of not less than one-thirty-second part of the blood of the original races which inhabited the islands at the time of their discovery by Capt. Cook. The governor is the chairman of the commission, but the active work of the commission will be mainly undertaken by an executive officer and secretary to be designated by the commission from among its own members. The executive officer and secretary will receive an annual salary, not to exceed $6,000 to be determined by the commission. The other members of the commission receive an annual salary of $500 each. The term of the members of the commission is four years.

Leases of Hawaiian home lands.—The Hawaiian home lands are placed under the control of the commission to be used and disposed of for the purpose of aiding native Hawaiians. (See sec. 204.) Under the provisions of section 207 the commission is authorized to lease to any native Hawaiian a tract of Hawaiian home lands of any one of the following three acreages: (1) Not less than 20 nor more than 80 acres of agricultural lands; (2) not less than 200 nor more than 500 acres of first-class pastoral lands; or (3) not less than 500 nor more than 2,000 acres of second-class pastoral lands. The leases run for a term of 99 years at a nominal rental of $1 a year. The title to these lands, as is true of all public lands of the Territory, remains in the United States. (See secs. 207 and 208.) The native Hawaiian must ✓personally occupy these lands and may not in any manner alienate them except to another native Hawaiian and then only with the approval of the commission. Upon the death of the lessee his lands may not be willed but must descend within his family as provided by the existing laws of the Territory relating to homesteads. The commission is required to pay all delinquent taxes upon such lands in order to prevent their being sold and thus passing out of the control of the commission. The commission, however, has a lien upon the lands for any taxes so paid. (See sec. 208.) Any violation of the terms of the lease causes the termination of the lease and reversion of the lands to the commission. (See sec. 210.) Under the provisions of section 211 the commission is required to establish community pastures adjoining small leases of agriculture lands in order to provide the lessees with sufficient pasturage. Any lands not immediately leased to native Hawaiians are to be kept in use under temporary leases by the commissioner of public lands. (See sec. 212.)

Hawaiian home-loan fund—Revenue from sugar-cane lands.—In order to provide for necessary loans to the native Hawaiians to the end that their farming operations for the first few years may be stabilized and in order to provide for the expenditures of the commission for administration and the acquisition of such water rights as it may be necessary to obtain in condemnation proceedings, there is established a "Hawaiian home-loan fund." This is a revolving fund whose main source of receipts is 30 per centum of the rentals obtained from the leasing of cultivated sugar-cane lands and from water licenses. (See sec. 213.) The most important of the leases covering sugar-cane lands expire this year or in the immediate future. These leases were for the most part originally entered into from 1887 to 1900, at a time during the greater part of which the sugar industry was at low ebb. The rentals stipulated in the leases did not in consequence include the rental value of the lands as cane lands, and many lands suitable for cane were leased to ranchers for pasture, rather than to planters for cultivation. In consequence the Territory is now receiving from such leases a sum greatly less than their real value as compared with private leases and rentals from public leases which have recently been executed. The 1910 amendments to section 73 of the Hawaiian organic act, however, provide that future leases of agricultural lands, including sugar-cane lands, shall not be made without the inclusion therein of a withdrawal clause to the effect that the lands may be withdrawn from the lessee in case 25 or more homesteaders apply for them. And it is further made mandatory upon the commissioner of public lands to withdraw such lands upon proper application.

Your committee, however, has provided (see subdivision (d), p. 25 of the bill), that the commissioner of public lands may, with the approval of the governor and at least two-thirds of the members of the land board, lease the sugar-cane lands in the future without a withdrawal clause. Much larger revenues for the Hawaiian home loan fund will thereby be obtained from the leases. The report of the commissioner of public lands for 1917 shows annual rentals of $123,128 from agricultural and pastoral lands and an estimate made by his office at the time gave $324,692 as the probable rentals for the same lands if the leases, upon their expiration, were renewed for the 15-year term without a withdrawal clause. The present annual rentals for agricultural and pastoral lands are $154,600. At a proportionate rate of increase the estimate rental value of the lands upon 15-year rentals without a withdrawal clause would be approximately $400,000. In addition the present annual receipts from water licenses are $122,750.

Leases extant.—The leases of agricultural and pastoral lands now extant are as follows:

Leases of public lands, June 30, 1919.[1]

Date of expiration of lease.	Area in acres.					Annual rental.
	Sugar cane.	Other agricultural and wet lands.	Pastoral lands.	Forest lands.	Waste lands.	
1919	5,103	208	9,548	1,579	6,456	$17,053
1920	6,943	1,937	26,808	5,826	29,673	11,442
1921	1,858	3,001	21,884	34,537	2,578	8,442
1923	2,099	882	31,772	6,189	207	10,162
1925	54	847	1,296	307		1,161
1926	609	22	3,000	2,400	2,749	3,785
1927	964	967	11,997	68	103	8,052
1928	1,310	979	97,574	516	101	25,929
1929			30,053	7,585	29,297	7,097
1930			53,379		24,520	10,556
1931		91			110	304
1932	100	107	10,951			2,802
Total	19,040	9,041	258,961	59,007	95,684	106,785

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[1] The above statistics do not include leases which were made since June 30, 1917, and which expire later than 1932. The rentals from leases of agricultural and pastoral lands, as given in the previous paragraph, include also the rentals from such omitted leases.

Loans to lessees.—Loans from the Hawaiian home loan fund may be made to any native Hawaiian in sums not in excess of $3,000 for the purpose of undertaking improvements upon his land and purchasing live stock and farm equipment. (See secs. 214, 215.) Such loans are to be repaid upon an amortization plan within 30 years and the Government has a lien upon the land and improvements and live stock to the amount of the loan.

Recovery of lands for violation of lease or contract of loan.—Section 217 of the bill provides for ejectment or summary proceedings by court order in case any lessee of Hawaiian home lands fails to comply with any condition of his lease or of his contract of loan.

Agricultural experts.—Section 219 authorizes the commission to employ agricultural experts. The total annual expenditure for their compensation is not to exceed $6,000. Such experts are to instruct the Hawaiians as to the methods of diversified farming and stock raising.

Water supply—Projects.—Your committee has further found that suitable provision must be made in order to bring sufficient water upon the Hawaiian home lands for even the domestic uses of the Hawaiians and the watering of their live stock. As the situation now exists the Government is in possession, as on the island of Molokai, of undeveloped Government-owned waters on the top of the mountains which flow, however, to the side of the island opposite that upon which the Hawaiian home lands are situated. Again, other Government-owned waters are leased to private individuals, sometimes with and sometimes without a reservation of a right of use for the benefit of the public. In other cases private waters upon the lands of their owners are allowed to be wasted without the privilege of use by nearby neighbors less fortunately situated. To meet these varying situations your committee has in sections 220 and 221 of the bill (1) authorized the commission to undertake water development projects whenever funds for such projects are appropriated by the legislature of the Territory; (2) required that the commissioner of public lands insert in all water leases issued by him after the passage of the Act, a reservation of any waters necessary to the use of the commission; and (3) authorized the commission to use any water covered by leases issued previous to the passage of the Act which contain such a reservation, to use Government-owned waters not covered by a license, and to contract for the use of or to condemn surplus waters privately owned or covered by a water license not containing a reservation for the benefit of the public. In all cases, except as to Government-owned waters upon the island of Molokai and Government-owned surplus water tributary to the Waimea River upon the island of Kauai, the use by the commission is limited to such amounts as are necessary adequately to supply the live stock or the domestic needs of individuals upon any tract. In the case of the two exceptions, waters may also be used for irrigation.

Appointments and expenditures.—Section 222 of the bill authorizes the commission to make regulations and with the approval in writing of the governor of the Territory as such, to make expenditures and to appoint and remove employees and agents. No cost to the Federal Government is involved. The commission is required to make a biennial report to the legislature of the Territory.

CONSTITUTIONALITY.

In the opinion of your committee there is no constitutional difficulty whatever involved in setting aside and developing lands of the Territory for native Hawaiians only. The privileges and immunities clause of the Constitution, and the due process and equal protection clauses of the 14th amendment thereto, are prohibitions having reference to State action only, but even without this defense the legislation is based upon a reasonable and not an arbitrary classification and is thus not unconstitutional class legislation. Further, there are numerous congressional precedents for such legislation in previous enactments granting Indians and soldiers and sailors special privileges in obtaining and using the public lands. Your committee's opinion is further substantiated by the brief of the attorney general of Hawaii (see hearings, pp. 162–164) and the written opinion of the solicitor of the Department of the Interior (see hearings, pp. 130–131).

TITLE III OF THE BILL—AMENDMENTS TO THE HAWAIIAN ORGANIC ACT.

1. HOMESTEAD LEASES.

Withdrawal clause.—Subdivision (d) of section 73 of the Hawaiian organic act is amended in the respects already discussed so as to permit the lease without a withdrawal clause of lands suitable for the cultivation of sugar cane and of arid lands, which by irrigation can be developed into agricultural lands, provided the lease is approved by the governor and at least two-thirds of the members of the board of public lands. (See p. 25 of the bill.)

Additional homesteads—Preference rights.—Dubdivision (f) of section 73 (see p. 26 of the bill) permits a homesteader who holds less than 10 acres of land to take out additional lands. Additional homesteading is entirely barred by the existing law. Subdivision (j) of section 73 (see pp. 27–28 of the bill) permits the substitution of lands of similar character, value, and area for any parcel of public lands to which the homesteader has a preference right but which has subsequently been reserved for public purposes by either the United States or the Territory.

Classification and size of homesteads.—Under the existing law homesteads are limited to 80 acres regardless of the character of the land. Subdivision (n) of section 73 (see p. 28 of the bill) now provides for two classes of homesteads, agricultural homesteads which may consist of 80 acres of agricultural lands and 250 acres of first-class pastoral lands or 500 acres of second-class pastoral lands, and pastoral homesteads which may be composed of 500 acres of first-class pastoral lands or 1,000 acres of second-class pastoral lands.

Holdover leases.—Subdivision (o) of section 73 (see p. 29 of the bill) is new matter authorizing the commissioner of public lands, with the approval of the governor, to permit a lessee under general laws to continue in possession of withdrawn lands after the termination of his lease therefor, until such time as the homesteader takes actual possession of the lands.

2. MISCELLANEOUS AMENDMENTS TO THE ORGANIC ACT.

Compensation of legislators.—Section 26 of the Hawaiian organic act is amended so as to increase the compensation of the legislators from $600 to $1,000 for a regular session and from $200 to $500 for a special session. Mileage is increased from 10 cents to 20 cents. Members of the Legislature of the Territory of Alaska are paid at the rate of $15 per day, which would amount to a session salary of $900 in Hawaii. (See p. 21 of the bill.)

Bond limit.—Section 55 of the Hawaiian organic act is amended so as to increase the limit of the total public indebtedness from 7 per centum to 10 per centum of the assessed value of the property of the Territory. This increase is needed to prevent the curtailment of many needed public improvements, such as roads, bridges, docks, schools, sewerage systems, and other public utilities and structures. County expenditures are now provided for by the insertion of bond items in the Territorial loan bills. The use of the Territorial credit is a matter of economy and expedition. In consequence the Territorial debt limit of 7 per centum has had also to care for the 3 per centum debt limit authorized for the counties. (See p. 21 of the bill.)

Residence requirement for officials.—Sections 66, 80, and 86 of the Hawaiian organic act have been amended in the interests of home rule so as to require that the governor and the Territorial officers in general shall be citizens of the Territory and shall have resided therein for at least three years next preceding their appointment. (See pp. 22, 30–32 of the bill.)

Abolish one office of district judge.—At present there are two judges provided for the Federal district court at Honolulu. One judge, in the opinion of the committee, will suffice to handle the cases before the court. In consequence your committee submits an amendment to section 86 of the Hawaiian organic act providing that whenever a vacancy occurs in the office of district judge that office shall be abolished and the powers and duties incident thereto transferred to the office of the remaining judge. (See p. 32 of the bill.)

Increased compensation of officials.—In view of the greatly increased cost of living, it is the opinion of your committee that the salaries of a number of the officers of the Territory should be increased. Accordingly such increases in salary are included in the bill. (See p. 33 of the bill.)

Employment of aliens on public works.—An additional section is added to the Hawaiian organic act providing that no person shall be employed upon any public work in the Territory unless he is a citizen of the United States or eligible to become such a citizen. (See p. 33 of the bill.) This provision is requested by the Hawaiian legislature and the legislative commission and is in accord with a similar provision in the statutes of the Territory regulating the employment upon public works in the Islands carried on by the Territorial government. It is further hoped to provide a more favorable opportunity for employment to American mechanics and laborers and thereby induce them to go to the Islands.

22. Statement Of Rev. Akaiko Akana On Hawaiian Homes.

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HAWAIIAN HOMES COMMISSION ACT, 1920

HEARINGS

BEFORE THE

COMMITTEE ON TERRITORIES
UNITED STATES SENATE

SIXTY-SIXTH CONGRESS
THIRD SESSION

ON

H. R. 13500

A BILL TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A GOVERNMENT FOR THE TERRITORY OF HAWAII," APPROVED APRIL 30, 1900, AS AMENDED, TO ESTABLISH AN HAWAIIAN HOMES COMMISSION, AND FOR OTHER PURPOSES

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HAWAIIAN HOMES COMMISSION ACT, 1920.

TUESDAY, DECEMBER 14, 1920.

United States Senate,
Committee on the Territories,
Washington, D. C.

The committee met pursuant to call at 10.30 o'clock a. m., in room 347, Senate Office Building, Senator Harry S. New presiding.

Present: Senators New (chairman), Smoot, Pittman, Nugent, and Chamberlain.

There appeared before the committee Hon. J. Kuhio Kalanianaole, Delegate from the Territory of Hawaii; Mr. A. G. M. Robertson, Representing the Parker ranch: Mr. W. B. Pittman, representing the Raymond ranch and others: Mr. B. G. Rivenburgh, Rev. Akaiko Akana, Mr. George M. McClellan. Mr. Waller, and others.

The committee proceeded to consider the bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, and for other purposes.

The Chairman. Gentlemen, this is a meeting of the Senate Committee on Territories to consider House bill 13500, which is now before the Senate. I might say that there were very full hearings on this measure when it was before the House, printed copies of which are here on this desk and available for any Senator who wants to consult them as we proceed. Also we have copies of the bill.

This measure was considered by this committee last winter and spring, and was reported out with the recommendation that it pass, but the session ended and the Senate adjourned before any action was taken on it. Since that, with the opening of this session, I was notified that a committee from Hawaii was here and anxious to have a hearing on the bill before any further action was taken. I therefore moved that it be recommitted to this committee, and it is now before us for consideration. The delegation from Hawaii is here, and we would be glad to hear from it. Judge Robertson, I believe, is the spokesman of the delegation. We would be glad to hear from you your views concerning it, and your objections to this bill, if you have any.

STATEMENT OF MR. A. G. M. ROBERTSON.

The Chairman. You are a resident of Hawaii?

Mr. Robertson. Yes.

The Chairman. Just state your status and all, to identify yourself, to the stenographer.

STATEMENT OF REV. AKAIKO AKANA.

Mr. Chairman, honorable Senators, and members of the committee. before I begin, allow me to extend to you my hearty thanks and my deep and warm appreciation for this rare opportunity and special privilege and honor, of appearing before this body to speak on behalf of a bill designed to rehabilitate the Hawaiian race. And, in making this expression of gratitude, Prince Kalanianaole, our honorable and beloved Delegate to Congress, is also included; for, it has been through his faithful effort, as well as the sympathetic cooperation of his friends in Congress that I am privileged to be present thus and to receive the time and attention of this committee at this time.

By way of introduction, and as has just been requested by this committee, let me identify myself thus: My name is Rev. Akaiko Akana, a graduate of the Kamehameha School, Hawaii, 1903; of the Territorial Normal School of Hawaii, 1904; of the Hartford Theological Seminary, and of the Hartford School of Religious Pedagogy, Hartford, Conn., 1911. After graduation from Hartford I served as secretary for the young peoples' work under the Board of the Hawaiian Evangelical Association, Territory of Hawaii. I then became the president of the Christian Endeavor Association of the Territory of Hawaii. On September 1, 1918, I became the pastor of the Kawaiahao Church, the first church erected by the missionaries in Honolulu. It is the largest Hawaiian church in the Territory and occupies a central place in the life of the Hawaiian people. I am also the chaplain of the Senate of the Legislature of Hawaii. I was born in Waialua, Oahu, Territory of Hawaii, December 24, 1884, and, with the exception of the five years of study I spent in Hartford, Conn., I have always lived in Hawaii and among the Hawaiian people, for whose needs I am here to speak before you.

My coming to Washington has been sudden and unexpected. When the Hawaiian people learned of the fact that there were legal representatives of certain business concerns in Hawaii who were coming to this city to oppose the so-called rehabilitation bill, designated as H. R. 13500 and named the "Hawaiian homes commission act, 1920," and which is now before this committee, a special meeting of the "Ahahui Puuhonua o na Hawaii"—Hawaiian Protective Association—an association organized years ago for the sole purpose of protecting the Hawaiian people and of conserving and promoting the best things of their tradition, as well as of representing the race in any issue affecting the welfare of the Hawaiians, was called immediately, and this took place November 15 of this year in the Library of Hawaii, at 7.30 p. m. Having come at the time of the regular annual session of this association, both the regular and special business of the association were included in that meeting. So, after the regular business of the evening was concluded and the special business of the association was in order, the consideration of the bill now before us was taken up; and, right there and then, it was unanimously voted to circulate subscription papers among the Hawaiian people for the purpose of raising sufficient money in order to enable the association to act, on behalf of the Hawaiian race, in the matter of sending passage of the bill as it now stands. Immediately, the special committee was appointed, and I was included in its membership.

The association then authorized this committee to leave for Washington just as soon as the necessary fund was raised. Fortunately, the money was secured within a short time and the committee, in its haste, was enabled to act on the decision of the association and to come to the Capitol. A wireless from San Francisco, from Prince Kalanianaole, to the effect that the presence of the entire committee was necessary at Washington for the committee hearing this month before the holidays, made immediate departure from Honolulu imperatively necessary. At that time, however, the other members of the committee were busy with their regular business and could not come. Hence my presence here in Washington and before you by myself.

Furthermore, I am here, not in the capacity of a paid legal representative of a single wealthy child who owns the largest ranch in Hawaii, such as Mr. G. M. Robertson, the former speaker is in, but I am here as an unpaid committee who has voluntarily accepted the task of coming to Washington and of placing before you the earnest wish and prayer of an organization which represents the Hawaiian race, and which is devoting its energy in the direction of saving the remnants of this people who, once upon a time, were the real owners of Hawaii. And also, as a Hawaiian pastor, and as the president of the Christian Endeavor Association of Hawaii, I am here as one who has been intimately in touch with the Hawaiian people and their needs, and, therefore, deeply interested in their welfare. Therefore, aside from the special mission which the "Ahahui Puuhonua ona Hawaii" intrusted to my care, I am personally interested in this new and most helpful project which this bill embodies, and which I believe will be the making of an increasingly strong and progressive American citizenry among the Hawaiian people.

To begin with, and for the sake of information, allow me to make mention of that beginning when the idea of rehabilitating the Hawaiian people was conceived and given the start which materialized in a resolution which the special commission from the Hawaiian legislature brought before Congress in February of this yea

About five or six years ago the Honolulu Ad Club, consisting of a large membership of men of nearly all of the different races represented in Hawaii, but maintaining a large majority of Americans, was agitating against the tenement conditions in Honolulu. Other clubs joined in a similar campaign. Of all the peoples who were much hampered by the ill effects of tenement conditions, the Hawaiians undoubtedly suffered the most. And of all the peoples in Honolulu who endured a most embarrassing circumstance of life the Hawaiians shouldered much, for they were made the target of numerous disheartening criticisms with no vigorous effort made by the critics to help, in a constructive way, the unfortunate ones in distress. The "Ahahui Puuhonua ona Hawaii," therefore, took upon itself the task of relieving the situation as much as possible, and of bringing about a better living condition in the tenements; and, as far as it was practical, it endeavored to get the Hawaiians away from the tenements. Of all the men who entered into such an undertaking, with much expenditure of time and money, the prince him-

self was the most active.

The task was gigantic in character, and from a financial standpoint it was far beyond the ability of the association to accomplish much. Therefore, each year that came witnessed not only the existence of the same unfortunate conditions, but the increase of more perplexing social and economic problems. Even up to this year these problems have continued to exist and are far from being solved. We only have to look at the findings of benevolent associations, as well as the figures of the board of health reports, to convince ourselves of these facts. The ill effects of such conditions or life may be fully apprehended by the rapid fall in the birth rate of the pure Hawaiians, accompanied by an alarming increase in death rate.

But in spite of the hardship confronted by the association it continued its activity, and with whatever financial aid which could be secured from time to time from its members it continued planning for the Hawaiians' future salvation. Here are some of the main lines of work adopted and executed by the association, namely:

First. An educational propaganda, by preaching from the pulpits of the Hawaiian churches of the Territory; by letter writing; by newspapers, and by direct personal instruction through our special and voluntary workers, teaching the Hawaiians the dangers of the congested and poor living conditions of the city, and pointing out to them the many advantages of the country and of the outdoor life; the benefit of sanitary and hygienic living; the advantage of home economies; the care of maternity and infants; the value of saving money, and many other similar subjects of great and practical value.

Second. A propaganda, through special agencies, to get as many Hawaiian students as possible to take up special training in agriculture, medicine, law, dentistry, and other lines that would help in lifting the race.

Third. A propaganda to encourage the Hawaiians to acquire lands by purchase, lease, or by homestead, not only to live on but from which to get their food and other necessities of life.

Fourth. A propaganda to purchase, own, and not to sell, homes in Honolulu.

Fifth. A continued investigation and study, and, through a special worker, an every-day visit of the different localities of the city of Honolulu, as well as of the other places in the Territory, to find out how the Hawaiians lived; what their economic, social, domestic, educational, and industrial conditions were; and, in case of need, what to render to them in the way of assistance.

These lines of activity have, to a very great extent, borne much fruit worthy of the effect put into them. And, in fact, the favorable results realized from these activities have inspired the leaders of the association with the assurance that the Hawaiian race, in spite of the appalling decrease in number, has as yet much hope left for the recovery of its national strength. The Hawaiians still possess, in the remnant of what was once a great people, enough of the potential elements of life to make of themselves a strong and progressive race. With this convinction, therefore, the association forged ahead with its tasks, many of which were voluntarily and freely; and, up to the present moment, its vigor in pushing ahead constructive measures for the progress of the race, has not abated.

Together with these general activities of the association, there was carried on, from time to time, a special study and investigation ascertaining the chief causes for the increased mortality among the Hawaiian people, especially among the pure Hawaiians. This special study, in time, showed that chief among the many influences, which were affecting the high death rate among the Hawaiians, as well as creating the unfavorable condition of life under which many of them were living, were these:

First. The sudden impact of a new civilization with the awful pressure of its varied conditions of life; secondly, the ravages of such diseases as the venerial diseases, tuberculosis, asthma, smallpox, pneumonia, measles, plagues of various descriptions, and many others; thirdly, the lowering of physical vitality owing to the new custom of life and the getting away from the environment and condition of life natural to the Hawaiians; fourthly, the lack of practical business education, thereby causing many Hawaiians to dispose, by sale, mortgage, etc., of their real property because there was not the real appreciation of the value of the soil. In so doing, therefore, they were compelled to live poorly and to go to the congested parts of the city; fifthly, up to the present time, there has been no real effort to educate the Hawaiians in a business way. Much religion has been given them with no corresponding vigor to make business people of them. In so far as their real practical business education was concerned, they were left to themselves to work out their own salvation. Consequently, in and through all the competitive business life of Hawaii—a life which was entirely foreign to the Hawaiian people, but which has taken centuries and centuries for the Anglo-Saxons to cultivate—the Hawaiians have never had a chance.

What they were accustomed to doing was to give of their best to strangers and to those who needed it, never thinking of their future welfare; and, sixth, in the light of these facts, the association was convinced that a great mistake was made in the great division of land by King Kamehameha III in 1848: that because of the ignorance of the Hawaiians at that time the King should have been advised by those in power to hold the title of all the divided lands until at such time as the people realized the value of the land and were able to use it to advantage before such title be granted to them. Because of this mistake, therefore, a great deal of the land which was given to the Hawaiians passed off by sale, mortgage, etc., into other hands, especially into the hands of the moneyed people. Take the Makapala lands in Kohala, Hawaii, for instance. I was informed by Hon. H. L. Holstein, the speaker of the House of Representatives of the Legislature of Hawaii, that after the title got into the hands of the Hawaiians of that district, the Niulii plantation immediately got the owners of that land to enter into an agreement to cultivate it for sugar cane. The money was advanced by the plantation, and every encouragement necessary for the start was given them. But with each harvest the cane growers found themselves greatly in debt to the Niulii plantation. As a result, they were forced to surrender their holdings to the plantation because of their inability to meet their financial obligations.

Other instances might be cited in this connection, but this is sufficient for illustration. With the passing away of what the Hawaiians required by the great division, the result has been that as the general life in Hawaii advanced, the majority of Hawaiians found themselves helpless and dependent, especially in the presence of the rising competition with other nationalities represented in their midst. They were, as they have always been, in a condition of life entirely foreign to what they were accustomed to, and they were facing it in a state of absolute unpreparedness in so far as business ability was concerned. Had the lands of the Hawaiian people been conserved as that of the Bernice Pauahi Bishop estate, and had the Hawaiians at the same time acquired by education and by practical training a constructive business experience, conditions such as the association found would never have existed.

These findings of the association naturally aroused its officers and members to more aggressive action. The questions arose: What could the association and what could the Hawaiian people as a whole do to combat the serious condition of life confronting the race under the numerous handicaps which we faced? In what channel should our energy be directed in order to procure substantial and lasting results? Careful consideration and study in the light of the experience of the association and of the race, and in view of the financial weakness of most of the Hawaiians, brought the "Ahahui Puuhonua o na Hawaii" to the conclusion that the only course left for the Hawaiians to take was to appeal for Federal aid.

This aid, however, should not come in the form of charity from the Government. The association had always believed that charity should be gradually abolished from the Hawaiian people. The aid, therefore, should be that of enabling the people to help themselves, and, through patient training and guidance, they should ultimately acquire that business experience leading them to be independent and progressively self-supporting. This idea was finally left in the hands of the legislative committee of the association; and, after having worked on it for some time, it took the form of the resolution which passed the Territorial legislature and which was conveyed to the Congress of the United States by the special commission already referred to. This resolution, as I understand it, has been the basis of the bill now before us; and the plan and condition for the execution of the idea for the rehabilitation of the Hawaiian people, as embodied and set forth in the bill, are, to the belief of the "Ahahui Puuhonua o na Hawaii," more than sufficient to enable the Hawaiians to make a start, and to effectively and helpfully meet, in a large measure, the conditions alluded to and which have confronted them for years.

So much for a brief résumé of the circumstance and experience which have brought about the creation of the basic idea of the bill. Now, I have come to the reasons why the Hawaiian people are favoring the bill and why they are urging its passage, in its present form, by the Senate of the United States.

1. The bill as it stands effectively destroys whatever feeling of bitterness was left in the heart of many Hawaiians, not only by reason of the greedy and selfish exploitation of their ignorance by land speculators, but largely by the passing away of what they, as a nation, possessed by reason of conquest and annexation of the islands to the United States.

2. The bill, containing a plan to lease the selected lands to the Hawaiians instead of giving them in fee simple, provides for a per-

manent security of the land against any disposition by sale and against mortgage, pledge, or otherwise hold for the benefit of any other person except a native Hawaiian. Selling of lands and the mortgaging of the same to land speculators have been a curse in the experience of the Hawaiian people, especially those who inherited large estates. They have also been a curse to those who acquired land in smaller quantities. Through this bill those who are inclined to be reckless can not sell their holdings; and should they be inclined to be too lazy to be of any value to the idea of rehabilitation, the commission has the right to remove them; and, in their stead, worthy Hawaiians could be given a chance to secure lands on which to live and to work, instead of being barred out because the worthless ones had already come before them.

3. It is the sincere belief of the "Ahahui Puuhonua o na Hawaii" that the time has come when Government lands should be conserved. Through the present homesteading plan, the Government lands are gradually passing off into the hands of individual owners, who are few in number. The rehabilitation bill puts a barrier on homesteading, insofar as the lands designated in the bill are concerned. These lands are left in the hands of the Government for the use of at least 38,000 of its people, instead of only a few hundred as are found on homestead lands to-day. The saving of the highly cultivated sugar-cane lands through the provision of the bill is another act of land conservation which must not be overlooked. Not only will it help to support this most useful project of rehabilitating the Hawaiian people through the 30 per cent of the rental from these cane lands, but it will continue to bring revenues for the use of the Government through the balance of 70 per cent of such rental. Such revenues can not come from homesteaded lands, and such revenues will be lost to the Government should the rehabilitation bill fail, because these cane lands are subject to homesteading. At the same time it must be borne in mind that homesteading is not entirely shut off by the rehabilitation bill, for the lands which are not included in the bill are still subject to the homestead laws of the Territory.

4. The bill provides in a most helpful manner a basis for a real practical business education, which is most imperative for the Hawaiians to-day.

(*a*) It provides a financial basis of $3,000 with which to begin should money be needed by those desiring to go back on the land.

Much has been said in regard to the failure of Hawaiians in homesteading. One of the chief reasons for such failure has been the lack of proper financial assistance. For this reason many have sought loans the interest and condition of which have been too burdensome for most of them. Consequently, when their crops failed them they were obliged either to surrender their holdings or sell them at a loss. My intimate knowledge of such conditions has frequently caused me to be very outspoken in my opposition against those who went into homesteading with very limited capital to begin with. The Hawaiians to-day know how much opposition I have raised against such a practice. I repeat, therefore, that the financial assistance provided for by the bill will be a powerful incentive for success among the Hawaiians deciding to go back to the soil.

Then, there is another factor which enters strongly into this consideration which must not be overlooked, namely, the spirit as well as the attitude of mind which such assistance will create. The very consciousness that the Government is interested and is standing back of them, even to the extent of loaning to them money which is most necessary in business, and to those who are inadequately supplied with it, is certainly most helpful and most encouraging, especially when it is loaned on such reasonable and helpful terms as the bill provides will, inevitably establish a morale which will overcome, and, in all probability, will forever destroy the fear and timidity which the ridicule of other nationalities has, from time to time, impressed into the very being of the Hawaiian people. The fear to forge ahead in business and to compete with those of other nationalities, who possess in their make-up the benefit of centuries and centuries of knowledge of the business experience of their race, without having some one to stand back of them, financially and otherwise, has been most detrimental to the material progress of the Hawaiians, especially as they emerge from their own way of living their life, and are forced into a most complicated condition of living such as they have been confronting in the so-called Christian civilization. In the light of present experience, therefore, the time has certainly come for such fear and timidity to be destroyed, and the weapon to do it with is the promulgation of practical business education and training.

(*b*) It provides for practical instruction by Government experts right on the land on which the people live and in which they are interested.

There is no greater method of rehabilitating a race than that of furnishing its people, through Government experts, that practical business education, training, and experience which will enable them to meet the immediate needs of their lives themselves. Such education and training being imparted and attained and tested right on the fields where the needs of the everyday life lie, is, without question, most stimulating in every way. In other words, the knowledge imparted and the experience gained by the direct and practical application of that knowledge in the very things in which the people are interested will be helpfully constructive to them. Knowledge of agriculture as well as that of stock raising will then be the product of actual experience in the endeavor to meet the needs of life instead of it being largely theoretical as is the case with many students of agriculture to-day.

Then, with such financial assistance and such definite and practical educational training thus provided, and with the Christian influence already gained by the people, the conquest of the evils just mentioned and so often referred to by others will be the logical outcome. For the out-of-door life and the agricultural life are health producing in every way. Experience has proven this in the life of all nations. But such a condition of living is going to mean more than health producing. It is going to mean the creation of a physical constitution that will effectively destroy the diseases of civilization and then revive what was once a strong and stalwart race. It is going to mean the increase in number of the Hawaiian people, for the out-of-door life and the agricultural life are potential factors in the propagation of mankind. The verdict of experience verifies this statement.

Again, it is going to mean the preservation of a peace-loving and tender-hearted people who, by the training this bill provides, will be industrious and prosperous American citizens and taxpayers. For, in the experience of the great nations of the world, agriculturists and those living an out-of-door life have been the backbone of their national existence. They have furnished not only the food but the health and the vigor of their national life. Then, again, it is going to mean the increase of truly loyal American citizens in Hawaii. I believe that of all the peoples represented in the islands there are no more loyal American citizens than the Hawaiians. Why? Because it is in their training to honor and respect those in authority and because they truly love Hawaii. And, together with this, it is going to mean the preservation of that most important influence in the life of the cosmopolitan population such as we have in Hawaii to-day, namely, peace, which naturally comes from a naturally peace-loving people. I believe there is no other center in the world where peaceful and helpful adjustment of all races is so clearly demonstrated as Hawaii. And I do believe that one of the strongest factors entering into such favorable adjustment has been the peaceful life of the Hawaiian people.

To my judgment, this factor of peace in our national life should be encouraged, for in the light of our Christian principles its worth is, without question, far superior to the material wealth which the whole world is now fighting over. And I am sure that all of us agree that the protection of a race of people in whose life peace is a most natural thing is most imperative at this time. No better producers of love and peace than a loving and peaceful people.

Then, lastly, the measure is going to be the means of preserving those things that are natural to the Hawaiian life and which are of great value educationally, socially, interracially, and ethically. The different peoples represented in Hawaii have brought with them from their homelands the things that are dear to them. Some of these things are good and some are not. Hawaii, therefore, must preserve and promote the best things with which its life is constituted. And, of all the people of Hawaii, the proper agency to do this work should be the natives, who understand the very nature of the spirit which should be in the islands. This being so, the bill should receive the hearty support of the lawmaking body of the Congress of the United States.

Lastly, the bill provides for the securing of water where water might be needed, and that the Government is to assist in such a project.

The value of such a provision is clear, and it needs no further comment than the statement of the fact that this is one of the most encouraging features of the bill from the standpoint of the Hawaiians: and it is among the most important reasons why the "Ahahui Puuhonua o na Hawaii" has sent me here to urge the passage of the bill. To the Hawaiians this provision is most helpful and most encouraging in every way.

So much in the way of setting forth the circumstances under which the idea of the bill originated and the reasons why the Hawaiians are urging its passage in its present form. A little more time, if I may be permitted, might be employed in answering some of the objections raised by the opponents of the bill who have preceded me.

The claim has been made that the Hawaiians are rich, and are not poor, and, therefore, they do not need rehabilitating.

Let me say that rich Hawaiians are few in number, and the wealth which they have inherited and are possessing is not shared by all the Hawaiians.

Again, many of these wealthy Hawaiians themselves need rehabilitating.

Another claim has been made that the Hawaiians have failed in homesteading. Why grant them a scheme like this?

Does past failure argue against further trial in the future? Have not the nations of the world been benefited by past failures? Are they not progressing because of the rigid lesson of past failures? Expert farmers from the mainland have come to Hawaii to farm and they have failed. They have already left Hawaii. But, have they been stopped from further attempts at farming because they have failed in the past? No. Not by any means. Then, why discourage the Hawaiians from making another attempt?

Bear in mind also that the Hawaiians have been fighting against disadvantages of all kinds. The nature of their life, and their mode of living in Hawaii, were entirely their own when the missionaries came. They were entirely different from the conditions of life of the other nations of the world, which conditions have been imposed upon them by the present civilization. The standard of living to-day is the product of centuries and centuries of experience of the other races. By the pressure of the economic condition to-day, as caused by that standard of living, the Hawaiians have been and are being compelled to measure up to the rigid requirements of that standard. Pedagogically, scientifically, and morally, is it just, and is it fair to expect this people to thoroughly master, and to be able to effectively acquire something which has taken the other races centuries and centuries to shape, and which they themselves have not been able to master completely? Remember, that all through the 100 years of the so-called Christian civilization in Hawaii no adequate preparation in the way of practical business education was given to the Hawaiians in order to prepare themselves against the complex problems of that civilization. The missionaries came to Hawaii with a special and only purpose of propagating the gospel.

They did their work well and in a most wonderful manner, and I acknowledge the Hawaiians' indebtedness to them for the benefit of God's kingdom which they received and have enjoyed to this day. But the business world, a small part of which is doing a lot of "kicking" against the bill now, did not send any missionaries to christianize the Hawaiians industrially, and to prepare them against the intricate ways of their business life. When the Hawaiians were christianized it came and helped itself with the benefits which the faithful efforts of God's people created. In a business way, the Hawaiians had to work out their own salvation, and to get along the best they could. Naturally, therefore, they encountered many failures. But, up to the present moment, some gains have been made industrially; and, the interest caused by such gains has inspired the creation of this bill now before us. The success of the Hawaiians on the land in spite of the disadvantages they have been confronting, I can point out to you on nearly all of the islands of the group. If necessary I can cite instances.

Another claim has been made that the Hawaiians should fight out their own battle, like the other races, and they should not be allowed Government aid.

I do not deny that this is true in so far as a very limited number of Hawaiians are concerned—the wealthy and the well-to-do Hawaiians. But, as for the rest of the Hawaiians, especially the pure Hawaiians, such aid is imperatively necessary. If the business people of America—those who are considered competent in every way—find it imperatively necessary to seek for Federal aid to abolish or to restrict immigration because of the bitter competition with the Orientals, especially the Japanese, why, in the name of common sense, do the opponents of this bill think that the Hawaiians, who possess but very limited business ability, should not have the same right to appeal to the Federal Government for aid in their struggle? If, as has been claimed, this step of the Hawaiians is un-American, how is it Americanized in the case just cited? How is the same appeal Americanized in the case of the Indians; the soldiers returning from France; the help extended to the Allies and suffering Europe, the Philippine Islands, and Cuba? Are not the Hawaiians real American citizens, and as such, do they not deserve America's material assistance, especially when they have accepted her desire, through the missionaries, to renounce their natural way of living and to live up to her ways for which she, in the past, did not make adequate preparation for them?

Other statements have been made that Hawaiians can not be rehabilitated; that the people who will not help themselves can not be helped by others.

These assertions are absurd in the light of reason and experience.

That the Hawaiians can be rehabilitated is already proven in Hawaii. Through careful supervision and patient leadership of the Mormon missionaries, the Hawaiians in Laie Settlement have become prosperous and are increasing in number. Through practical experience and enduring patience and hard work many who have taken homesteads in Kauai, Oahu, Maui, and Hawaii have already attained some degree of financial success. The families of these people, many of whom I have visited, have already shown signs of progress. If necessary, I shall be more than glad to show to the opponents of the bill the cases I am referring to.

The Maoris, who are of the Hawaiian stock, and whose problems are identically the same as those of the Hawaiian people, have prospered and have greatly increased in number because of the rehabilitation scheme. It is totally absurd, therefore, to assert that the Hawaiians can not be rehabilitated.

That the people who will not help themselves can not be helped by others is equally absurd, foolish, and nonsensical.

The opponents of the bill have pointed out that the part Hawaiians are increasing in number; that they are verile and aggressive. This is true, and true because the Hawaiians have always endeavored to present civilization that have come within their reach. My being here is an evidence of the Hawaiians endeavoring to help themselves. If, then, this is a requirement for being helped, then let me ask the opponents of the bill to withdraw their statements and help the Hawaiians by supporting this bill.

I have already pointed out that we are not seeking charity aid from the Government. We are only asking for the long-delayed opportunity to train and to help ourselves. The opponents know very well that there is no evidence of the Hawaiians willfully refusing to help themselves. There may have been isolated cases, perhaps, but these were only exceptions and should not be held against the entire race. The fact is that the sudden impact of civilization, ignorance, and business unpreparedness have been the hindrances in the way of the Hawaiians. The bill before us does not ask others to help us. The land involved is our own, by moral equity, and the money with which to finance this project comes from the rental of this land. We do not even get the tax that is paid by the people of Hawaii. It is really surprising, under such conditions, that Mr. Robertson, who himself is married to a Hawaiian girl, who has always been closely identified with the Hawaiians, and I am sure has been greatly benefited by the good will of the Hawaiians, and who is representing a Hawaiian child, should rise up and strenuously oppose a measure designed for the salvation of the race with which he has been living all these years, because he is paid to represent the interest of one Hawaiian child, as against the need of about 38,000 or more Hawaiians.

And, another claim is that the bill is not the wish of the people of Hawaii; that the business community and the newspapers of Hawaii are opposed to it.

Arguments are hardly necessary here. The Legislature of Hawaii represents the people of Hawaii. The Legislature of Hawaii passed the resolution which gave the basis of the bill. At the last and special session of that legislature, it passed another resolution supporting the bill as it stands now without amendment, and in addition, Prince Kalanianaole, our delegate to Congress, who made the rehabilitation bill the biggest issue in the last election campaign, has been returned to Washington as delegate by an overwhelming majority. Do not these actions represent the will of the people of Hawaii? The claim that newspapers represent Hawaii is absurd. They represent only a few white men and not the entire population of the Islands. Of course, there are quite a few who are opposed to the bill. This is perfectly natural because, should this bill pass, it will, to a certain extent, affect some of their landholding.

There are other claims which have been made by the opponents of the bill; but, since I have already consumed much time, and since the Prince wishes to speak, therefore I must come to a close.

Again let me express to you my hearty thanks and my warm appreciation for this privilege of speaking on this occasion.

If there are any questions the members of this committee wish to ask in connection with my work, I would be very glad to answer.

The CHAIRMAN. We are very glad to have heard you. Let me ask you a question. Do you think there is a real desire on the part of any number of the native Hawaiians to take advantage of the benefits of this act?

this act

Mr. Akana. Yes, sir.

The Chairman. You think that they really desire an opportunity now to take up homesteads and become farmers?

Mr. Akana. Yes, sir.

The Chairman. Do you think the effort over there has been rather to educate the Hawaiian for the next life than for this one?

Mr. Akana. Yes; and may I say further that if our leaders of the past, especially those having business experience, had foresight enough to see the danger of increased immigration, and that adequate practical business training had been given to the natives of the islands at that time, I believe the islands, through its own people, would have been able to solve their own labor problem. Having failed to make such preparation, therefore, Hawaii has frequently been facing much handicap, and the strike by the Japanese only a short time ago is an illustration of this fact. And so long as Hawaii depends solely on immigration for her labor so long will her labor problem continue. I have always contended that Hawaii's people themselves should aim to meet their local problems and that we should have no more immigrants in the islands than we are able to assimilate. This stand, I believe, is a safe one. Now, under the rehabilitation bill the Hawaiians will be able to create out of their own number labor not only for themselves, but for the Territory. How? By training themselves to work and by meeting in a practical way the everyday problems of their life on the field as well as in connection with the activities of other nationalities who are living with them in Hawaii.

The Rapid Transit Co. of Honolulu might be cited as an illustration. I believe that the company finds it most economical and convenient to its business to have employees who live and make their homes in Honolulu, and consequently are interested in the progress of the Rapid Transit's business in Honolulu. This explains why the company has employed a large number of Hawaiian boys. The Ahahui Puuhonua saw this advantage and prompted the company to employ Hawaiian boys of ability. These boys are doing well.

Mr. Robertson. Would you let me ask you a question there?

Mr. Akana. Yes.

Mr. Robertson. Is it a fact that the Hawaiian Rapid Transit Co. employs a large majority of Hawaiian labor to-day?

Mr. Akana. A large majority.

Mr. Robertson. A large majority of Hawaiian labor?

Mr. Akana. This is because of the inconvenience experienced in employing transient labor—those whose interest is elsewhere and not in Honolulu.

The Chairman. Let me ask you a question, which does not particularly appertain to the subject matter of this bill, but I am asking it just for general information: I notice here in the population statistics which are made a part of the hearing before the House committee—these are the 1919 figures—"Hawaiians, 22,600; part Hawaiians, 16,600; Japanese, 110,000," or just exactly five times the number of pure-blood Hawaiians. The question I want to ask is to what is to be attributed the coming to Hawaii of this great number of Japanese?

Mr. Akana. The labor demand on our plantations.

The CHAIRMAN. That is it; is it to supply the demand for common labor?

Mr. AKANA. Common labor. These immigrants have come in as cheap labor. But our men—and perhaps we all shared in the same shortcoming at that time—did not foresee that in the future these people were going to have the upper hand, because we were furnishing them a system of free education, and, at the same time, we were setting before them, by example, the highest standards of education in our community; and when these people got educated up to that standard of living they began to apply the costly ways of our living. In time, demands for higher pay came to meet the expense of modern ways, and, in time, they brought up and caused big strikes. Now, who were the strike breakers in that strike? A great many were the Hawaiians. When the appeal for plantation help was made I myself went to many homes where Hawaiians lived and persuaded many of them to go to the plantations. I may say that disastrous as that strike may have been to our plantations and to the Japanese, from a Hawaiian standpoint it was almost providential. Why? Because the strenuous out-of-door life removed many bodily ailments and in their stead good health was restored. According to the observation made by our special worker, families who were being helped by charity got well and in addition were having sufficient food and clothing and savings accounts besides.

Senator PITTMAN. Is there cane land that you would like to have for the benefit of the Hawaiians?

Mr. AKANA. Any cane land?

Senator PITTMAN. Yes.

Mr. AKANA. Why, yes; there is.

Senator PITTMAN. Does this bill take in any cane land?

Mr. AKANA. No.

Senator PITTMAN. Do you not want some measure that will take in some cane land?

Mr. AKANA. Well, perhaps, in the future.

Senator PITTMAN. Why not now?

Mr. AKANA. Because the lands asked for at present are sufficient to begin with. And, again, there is the financial assistance that we get from the 30 per cent of the rentals of those lands leased to the sugar plantations, which we can not afford to lose, because there is no other source from which money might be had to finance this project.

Senator PITTMAN. You are asking for $3,000 for each homesteader to assist them in making remunerative this hill land or grazing land. What would that $3,000 per homestead do toward making this cane land remunerative for the Hawaiian?

Mr. AKANA. That $3,000 would certainly help in making the cane land of certain areas remunerative, especially when the land is already planted with cane and is productive. But it would be impossible to homestead the cane land without injuring the source from which our financial assistance comes.

Senator PITTMAN. You mean to say there is no other taxable property in Hawaii except that which is leased to these men?

Mr. AKANA. Yes. There is no other source that we can get any money from to help us in this project except from the 30 per cent of the rentals of the leased cane lands.

Senator Pittman. You propose, do you not, for the United States Government to furnish you $1,000,000? Is that it?

Mr. Akana. Not the United States Government. We propose to use the 30 per cent of the rentals of the leased cane lands.

Senator Pittman. Well, wait a minute. I want to know where you are going to get this $3,000 per homestead?

Mr. Akana. From the 30 per cent of the rental of the leased cane lands.

Senator Pittman. But you start out with the $1,000,000. Do you not have any starting point? Where do you get the $1,000,000?

Mr. Kalanianaole. I do not know whether Mr. Akana understands the bill or not.

Senator Pittman. Well, if he does not understand the bill I will not go into it any further. What I am getting at is this: That at the present time there is a lot of this fine, highly cultivated land which is leased to corporations, is there not?

Mr. Kalanianaole. Yes.

Senator Pittman. And a very few acres of that would support a Hawaiian family, would it not?

Mr. Akana. That depends on the quality of the soil, and the area of the land. What do you mean by "few acres"?

Senator Pittman. It was planted years ago, was it not?

Mr. Akana. Just a minute. You mentioned "few acres," I do not know just how many acres you included in the word "few."

Senator Pittman. A very much less quantity than of that grazing land.

Mr. Akana. How many?

Senator Pittman. I do not know, but——

Mr. Akana. I would say that 15 or 20 acres of land covered with sugar will certainly support a family; and yet that again depends on the fertility of the soil, the size of the family, the price of sugar, and the arrangement with the mill.

Senator Pittman. I am only asking these questions because I have in mind to help Hawaiians. I have always had it in mind. But I do not want to take from them the most valuable land they have, not by anything that I do not think is good as an excuse.

How many acres of this cane land is leased to these corporations?

Mr. Kalanianaole. About 34,000 acres in the territory. These are the highly cultivated cane land.

Senator Pittman. About 34,000 acres. At 20 acres to the individual family that would support 15,000 families, would it not?

Mr. Kalanianaole. But the Hawaiians do not want the cane lands.

Senator Pittman. I will ask you later on.

Mr. Kalanianole. All right.

Senator Pittman. I will take great pleasure in asking you some questions later.

Now, let me ask you this question? You take any Hawaiian family that you want to rehabilitate or rejuvenate. Would you not have an easier time starting that family off on 20 acres of land that is now in cane, producing cane, than you would to start him off on a hillside where there might be drought six months of the year?

Mr. Akana. Yes.

Senator Pittman. Would it not be an easier proposition?

Mr. Akana. Yes.

Senator Pittman. I understand in this hearing here that the objection was that some of you have no mill; that not having any mill, he could not market his crop.

Mr. Akana. Yes.

Senator Pittman. Would it not be a whole lot more practicable business proposition to appropriate this million dollars to make mills than it would be to appropriate a million dollars to bring water to irrigate the land that is questionable?

Mr. Akana. Well, without these cane lands being leased to the plantations, the million dollars would not be raised; the mills would not be built; the Hawaiians going on the land would be without funds, and much money is needed for sugar raising as well as the raising of stock, pineapples, etc.

Senator Pittman. But can you imagine anything that pays any more than the sugar does down there?

Mr. Akana. I think that cattle raising has immense possibilities.

Senator Pittman. I do not doubt that.

Mr. Akana. And pineapple raising.

Senator Pittman. Which would you rather for your people to have, the 35,000 acres now in cane, that they could get, or all the hillsides in Hawaii?

Mr. Akana. I would not want them to have all the hillsides, and at the same time and under the present condition I think it would not be advisable for them to get all the 30,000 acres of cane lands, for the simple reason that, if they did, then there would not be any source of income by which they could develop their particular industries. And at the same time I do not know of anybody who would profitably run a mill--who has had experience enough to run a mill. Again, sugar producing is not the only industry that the Hawaiians are interested in; there are others.

Senator Pittman. Do you not think you can find enough intelligent Hawaiians who are interested in the race of Hawaiian people, like you are, with your intelligence, to run a sugar mill?

Mr. Akana. Well, perhaps, in time.

Senator Pittman. In time?

Mr. Akana. I believe that in time we will be able to have them, but not at present.

Senator Pittman. You could not find enough Hawaiians of one thirty-second Hawaiian blood down there to operate a sugar mill there?

Mr. Akana. Not at present.

Senator Pittman. I see. You think, however, you could find enough of them to put in an irrigating system on those high lands?

Mr. Akana. We have enough experienced men along that line to carry out a project of that sort to the lands where water might be needed.

Senator Pittman. You think it is simpler to put in an irrigation project on high or barren land than it is to put a sugar mill in?

Mr. Akana. It is easier, of course, to put up a mill. But you must bear in mind that a mill requires experienced workers; these we haven't got at present. At least, I do not know of any. Then, a mill needs plenty of cane and an established market. Should we take all the cane lands without establishing a working foundation at the start, where are we going to get the money to work with?

Senator Pittman. Well, I will leave that. Let me ask you another question: That 35,000 acres of land is the portion of land that is leased, as I understand it?

Mr. Akana. Yes. To the sugar plantations.

Senator Pittman. They own a lot of land besides what is leased to them?

Mr. Akana. Yes.

Senator Pittman. Consequently there would be some taxes come in from that, to help pay the expenses of the government?

Mr. Akana. Yes. Let me go back to the former statement which you made. Do you mean to say that they have lots of lands outside of the leased lands?

Senator Pittman. Yes; sugar lands?

Mr. Akana. Yes.

Senator Pittman. They have bought that land in fee?

Mr. Akana. Yes.

Senator Pittman. Of course, that land we are not talking about. We are talking about the leased lands.

Now, under the present homestead law, this leased land—this cane land—as the leases expire, becomes subject to the present homestead law. This bill repeals that old homestead law, and the passage of this act places that cane land absolutely beyond anything except lease, does it not?

Mr. Akana. It does not repeal our present homestead law.

Senator Pittman. What becomes of it?

Mr. Akana. It is subject to homestead.

Senator Pittman. As I read this act, it repeals that act.

Mr. Kalanianaole. It does not repeal our present homestead law.

Senator Pittman. That is something we will have to look up. The reason this act was referred to this committee was because a lot of these leases were going to expire, and the homestead act would take effect on them immediately unless this act was passed.

Mr. Kalanianaole. That is correct, Senator.

Senator Pittman. That is the reason of it. As to the legal effect of it, that is a matter for us to look up.

Mr. Kalanianaole. It does not affect the present homestead law. It leaves it as it is.

Senator Pittman. You said that the leased cane land would be eliminated from the operation of the present law. The present existing homestead law, then, will not have any effect whatever after this law is passed?

Mr. Kalanianaole. It will have the same effect as now. If this law passes any citizen can apply for any of these highly cultivated lands.

Mr. Pittman. It can be homesteaded after 15 years.

Mr. Kalanianaole. They are subject to homesteading now, and after the passage of this bill a corporation, in order to secure a lease on any of these lands, would have to first secure the consent of two-thirds of the land board and the governor, and such lease would not contain the withdrawal clause.

Senator Pittman. Very well; I am glad you brought that up. What does the Mr. Cook do who, you testified, wanted this bill passed?

Mr. Akana. He is the president of the Bank of Hawaii.

Mr. Robertson. He is the president of the Bank of Hawaii and one of our big sugar men.

Senator Pittman. Is he one of the big sugar men there?

Mr. Akana. Yes.

Senator Pittman. And one of those interested in cane land?

Mr. Akana. Yes.

Senator Pittman. And he is willing for this bill to pass?

Mr. Akana. He said to me on the ship on my way over that if the Hawaiians desire to rehabilitate on that basis he would be perfectly willing that it pass.

Senator Pittman. Now, Mr. Shingle; is he interested in any cane lands?

Mr. Akana. Yes.

Mr. Robertson. Absolutely. He is another of our big sugar men.

Senator Pittman. Mr. Shingle is also interested in this bill, is he not?

Mr. Akana. Yes.

Senator Pittman. Do you know of any man who has cane land that is opposed to this bill?

Mr. Akana. Mr. Baldwin, one of the biggest sugar men in the Territory, is opposed to it.

Senator Pittman. I have not seen anybody testify here that is opposed to this bill who is interested in cane land.

The Chairman. Do you know of any of the fellows interested in big ranches who are in favor of it?

Senator Pittman. My theory about the proposition is this, that there is no reason why some of these poor people down there should not be interested in both classes of lands, in those big ranches on top of the hills and those great big ranches in the cane valleys. I am simply bringing this out to see that one of them does not play it against the other, and I think it is a very pertinent question to find out why these cane lands there, the leases of which are expiring, should not be split up.

Mr. Kalanianaole. Would you like to have that answered?

Senator Pittman. Yes.

Mr. Kalanianaole. Instead of the Territory losing all of these lands, as possible under the present law or to prohibit the same from being homesteaded, as was favored at first by the House committee, it was provided to leave to our own people the right to say as to what percentage should be homesteaded and what percentage should be leased. This was done in deference to the principle of home rule, as the Territorial administration is in a better position to know what percentage should be leased to derive the necessary revenue which is badly needed to meet the current expenses of the Territory.

Senator Pittman. Now, if I was a Hawaiian, you understand, I would not want you to come to me and say that you were going to lease to somebody else land worth $3,000 an acre so that they could pay a tax of 5 per cent on that, and that the money from that tax was to be used to buy me some other land that was not worth 6 bits

As a matter of fact, that leased cane land is in such a state of high cultivation that it takes care of itself for any homesteader that gets it—that it takes care of any overhead charges, cane mill, or anything else. You could issue bonds against that 25,000 acres of sugar land, and you would not have to ask the United States Government for one cent.

Mr. KALANIANAOLE. That is what we are trying to do to-day so that we will not have to ask the United States Government for one cent. But, if these lands are given away, where are we to get the finances for the needs of the Territory besides providing money for the rehabilitation of the Hawaiians?

Senator PITTMAN. The reason you do not give your own people this fine land is because you want to give it to somebody else so that they will give a part of the proceeds of that fine land to your own people.

Mr. KALANIANAOLE. The leases of these cane lands are soon running out, and it is a question of what is the best policy for the Territory to pursue. It is not fair to ask that these lands be given to the Hawaiians, when we know that the Territory is very much in need of revenues, and, furthermore, the successful farming of these lands call for the expenditure of a considerable sum of money per acre, and for constant industry and diligence in the care and cultivation of the crops. It would take about $25,000 to $30,000 to develop 40 acres of cane land, and where is the Hawaiian going to get that money from?

Senator PITTMAN. Do you mean after it is growing?

Mr. KALANIANAOLE. Yes; after it is growing, besides, where are you going to get your labor to help to keep it up?

Senator PITTMAN. I want to state that it does not cost that much in Louisiana.

Mr. KALANIANAOLE. No; it costs more to raise cane in Hawaii than in any other country that I know of.

Senator PITTMAN. You do not have to replant your cane there?

Mr. KALANIANAOLE. Perhaps not on this 3,000 acres of Kekaha which has been mentioned, but on the other lands you have to replant.

Senator PITTMAN. You do not have to replant it at all?

Mr. KALANIANAOLE. Oh, yes; after the ratoons have ceased to yield; besides you have to fertilize it and otherwise keep it up.

Senator PITTMAN. And you have to cut it.

Mr. KALANIANAOLE. Yes. No Hawaiian can raise cane without a capital of $25,000 to $30,000.

Senator PITTMAN. Could he handle 20 acres of cane land?

Mr. KALANIANAOLE. Yes.

Senator PITTMAN. How about the homesteaders at Kapaa?

Mr. KALANIANAOLE. The plantations there did all the financing for the homesteaders. There was not a homesteader to my knowledge who went there and developed his land and paid for it out of his own pocket. You might as well homestead Coney Island as to talk about homesteading those highly developed cane lands.

Senator PITTMAN. If you are only giving portions of Coney Island to the owners of it, why not do it?

Mr. KALANIANAOLE. According to the statements made before the Committee on Territories of the House, by the Hawaiian legislative commission, it was stated that the Japanese have been coming into possession of government lands. Under the present law, upon the application of 25 persons, citizens, or those who have declared their intention to become citizens, the land commissioner is compelled to open up the tract applied for, for homesteading purposes. The commissioner of public lands, upon receiving the required number of applicants, advertises that the tract is to be opened, whereupon any citizen can file his application for a homestead. The natural result is that there are many more applicants than there are homesteads. A great many Japanese, who are citizens by virtue of their birth, and citizens of Japan by virtue of their parentage, make application for homesteads. In a recent drawing held in the Territory when homestead lands were opened it was cut into 261 lots. For those lots there were 2,005 applicants, and 25 per cent of the successful applicants were Asiatics, who maintain dual citizenship. These Japanese after being allotted their land place their parents on the land and all the profits from the land go to aliens.

In order to avoid this the legislative commission, in its appearance before the committee of the House, urged upon that committee the necessity of amending the organic act, as recommended by the Territorial legislature, whereby the governor and land commissioner be given the right and authority to select from among the applicants those who in their opinion are bona fide homesteaders and to reject those who were endeavoring to get these lands for the purpose of speculation and those who would not be real citizen homesteaders. The principal purpose of this amendment was to keep these Asiatics of dual citizenship from taking homesteads, but this amendment, although strongly urged by the commission, was rejected by the committee of the House as being un-American.

There is a very limited amount of highly cultivated land left in the Territory. It is the strong desire of the Territorial administration and of the people, as expressed through the legislature, to so handle the remaining portion of the highly cultivated lands as to be productive of the greatest good to the greatest number of the citizens of the Territory.

The present system of allotting these lands is certainly not in accord with the desire of the Territorial administration and of the people in administering these lands as to be productive of the greatest good to the greatest number of the citizens of the Territory. Now, if these lands are leased, as provided in this bill, the Territory would derive an enormous income, and every citizen of the Territory would be benefited, as under this procedure it would not be necessary to increase the taxes to meet the expenses of the Territory.

Senator Pittman. Under the homestead law it says this:

> I have computed, under the law before it was amended, a list of the homesteaders by nationalities, by area, and by value per acre of those who were successful homesteaders from the passage of the land act in 1895 to this amendment in 1910, and my figures are as follows: Hawaiians number 1,024, 23,878 acres, average value per acre $4.78; Portuguese 514, acres 18,003, average value $6.67; Americans 470, acres 26,618, average value per acre $9.19; others number 217, acreage 15,830, average value per acre $6.29.

Now, it seems to me from that that no Asiatic got the best of it under that homestead law.

Mr. KALANIANAOLE. You will find that few or perhaps none of those who took homesteads after 1895 are on the homesteads to-day, and almost all of these homesteads have fallen into the hands of corporations and aliens.

Senator PITTMAN (continuing reading):

Since 1910 to June 30, 1919, homesteads have been taken by the nationalities as follows:

Race.	1911	1912	1913	1914	1915	1916	1917	1918
Hawaiian	132	212	150	93	96	57	89	[illegible]
American	16	76	45	61	21	4	8	19
Portuguese	17	121	72	47	37	20	24	99
Japanese	....	25	16	....	....	....	....	.....

Mr. KALANIANAOLE. The records show that the Japanese are now taking up homesteads.

Mr. ROBERTSON. Very few Japanese have taken up homesteads.

Mr. KALANIANAOLE. It is only lately that the Japanese have taken up homesteads and come into possession of Government land. As I said before, they make their applications, and if successful in securing a lot, instead of cultivating it themselves they place their parents on the land and all of the profits go to aliens. They are not bona fide homesteaders. And that is the danger we are now facing—the fact that these lands will get into the hands of aliens and speculators.

Senator PITTMAN. Suppose we could put in this bill a provision allowing such a homestead as you have on the upper land, and so limiting it that it could not get into the hands of aliens.

Mr. KALANIANAOLE. Aliens can not buy Government land. They can not take title to it, but their children who maintain a dual citizenship can take title to Government land.

Senator PITTMAN. I say if there is any danger of these cane lands getting into the hands of aliens, I would be in favor of stopping it; but what I am getting at is this: In the framing of this bill, I want, if possible, to assist in the working out of some provision by which some land of known value is going to get into the hands of Hawaiians.

Mr. KALANIANAOLE. Under our present conditions, we can not homestead these grazing lands or develop the second-class agricultural lands unless we get the Government to back the people up. But cultivation of those lands is needed; and why is not the opportunity given to the people to develop these holdings that are held by these individuals, like the Parker estate for one? Why should other citizens be withheld from raising stock and developing some of those lands into highly cultivated lands?

Senator PITTMAN. I am saying that they should not. I had left that part of the bill. What I am getting at is this: Why limit it to poor lands?

Mr. KALANIANAOLE. They are not poor lands. If the ranchers can make good on them I see no reason why the smaller fellow can not do the same, if given proper encouragement.

Senator PITTMAN. Do you not think that these corporations that have rented these sugar lands from the Government all these years have made a sufficient profit out of them for all the expense they have been to in fixing them up into fine lands?

Mr. KALANIANAOLE. Oh, I guess they have.

Senator PITTMAN. Then there is nothing morally wrong in taking that land away from them now, is there?

Mr. KALANIANAOLE. It would be morally wrong so far as the Territorial government is concerned, if you take those 34,000 acres of cane land and homestead those lands the Government would get nothing. The Government is not getting much from these highly cultivated lands now. For instance, take the Kekaha plantation of 3,000 acres. To-day they are offering the Government $5,000,000 to buy 3,000 acres.

Senator PITTMAN. That shows how much they have made out of it.

Mr. KALANIANAOLE. Yes; just think of the rental that would come to the Government. They have already offered $500,000 a year to the Government as rental for these lands. The governor says that for those lands he can get rentals up to $700,000, where we are only getting $4,000 now. Now, that is going to come to the Territory. That is going to help the Territory. But if you cut those lands up into homesteads the Territory would not get it. The speculators will go on these highly cultivated lands, under the provisions of the present law, and get possession of and title to those lands, and then turn around and sell them to the man who has the money.

Senator PITTMAN. You can prevent that, can you not?

Mr. KALANIANAOLE. How can you prevent a man from selling his land?

Senator PITTMAN. You can provide for a 99-year lease.

Mr. KALANIANAOLE. You mean to Hawaiians?

Senator PITTMAN. Yes.

Mr. KALANIANAOLE. I do not believe it just to give these lands to Hawaiians and ignore other citizens.

Senator PITTMAN. I understand; but you are just saying if we would give them to the Hawaiians they would soon get to be speculators and into the hands of the corporations.

Mr. KALANIANAOLE. The Hawaiians can not raise sugar cane unless they have money, as I said before. We want to diversify our industries. You will never develop Hawaii into a large American community unless you settle these people on the lands.

Senator PITTMAN. There is one thing I can not understand. If this land is so absolutely remunerative the Government could fix a rental dealing with the homesteader on it. Instead of leasing to big corporations they could lease it to——

Mr. KALANIANAOLE. You mean lease it to small holders?

Senator PITTMAN. Yes.

Mr. KALANIANAOLE. That might work out; 20 or 30 acres to small holders.

Senator PITTMAN. Would not that be a good thing?

Mr. KALANIANAOLE. I could not say that it would, but that sounds reasonable on the face of it.

Mr. ROBERTSON. They could afford to pay just as big rent as the corporations.

Senator PITTMAN. Even if they did not, it seems to me it would serve a good purpose.

Mr. ROBERTSON. No doubt about that.

Mr. KALANIANAOLE. Oh, that may be.

Senator Pittman. It would serve to give an interest in life to these people.

Mr. Pittman. You are familiar with the character of the Raymond lands, as referred to in this bill?

Mr. Kalanianaole. Yes.

Mr. Pittman. Are they fit for cultivation under the provisions of this bill?

Mr. Kalanianaole. Not for farm purposes. They can only be utilized for raising cattle.

Mr. Pittman And then on a large scale only?

Mr. Kalanianaole. Yes; I suppose so.

Mr. Pittman. Do you think anyone with $3,000 on the Raymond land could make a success of it?

Mr. Kalanianaole. Not one Hawaiian. If Raymond could do it on 20,000 acres, I see no reason why 20 Hawaiians could not.

Mr. Pittman. If any one Hawaiian dropped out and became discouraged it would become a failure, would it not?

Mr. Kalanianaole. No. He would fail, but his place could be filled by another.

Mr. Pittman. You would not have put those Raymond lands in the bill if you had drawn it yourself, would you?

Mr. Kalanianaole. The commission wanted it to go in.

Mr. Pittman. But you do not think it should have gone in at all, do you?

Mr. Kalanianaole. I do not think those lands are the best. I think some other lands should have gone in.

Mr. Pittman. You do not think that the Raymond lands should have gone in now, do you?

Mr. Kalanianaole. I could not say that.

Mr. Pittman. You know that they are not fit for agriculture?

Mr. Kalanianaole. Not for agriculture, but for raising cattle, yes.

Mr. Pittman. On a large scale?

Mr. Kalanianaole. Ten or twenty Hawaiians could go in there and make a success in raising cattle.

Mr. Pittman. But one Hawaiian could not go in there?

Mr. Kalanianaole. No; one Hawaiian could not go in there and make a success with $3,000.

Mr. Pittman. Is it not true that one portion would be dry in one season and then he would have to drive the cattle over into another portion?

Mr. Kalanianaole. I do not know anything about that. That is a statement made by Mr. Robertson.

Senator Pittman. Did you ever raise any cattle?

Mr. Kalanianaole. Yes; in a way.

Senator Pittman. I was just interested in the ease with which you raise cattle; that is all. You think that raising cane that is already growing is a hard job, but raising cattle is easy.

Senator Nugent. I understood you to say a while ago that this Japanese labor was imported into Hawaii by the sugar planters principally for the reason that it was cheap labor; is that correct?

Mr. Akana. Yes, sir.

Senator NUGENT. You also stated that a strike had occurred among these Japanese on the sugar plantations. About how many Japanese participated in that strike?

Mr. AKANA. I do not know the number exactly, but there were several thousand.

Mr. PITTMAN. Six thousand?

Mr. AKANA. I understand about 6,000.

Senator NUGENT. I understood you to say also that the place of these strikers was taken by the Hawaiians?

Mr. AKANA. There were others, and several Hawaiians went in as strike breakers.

Senator NUGENT. What wages were these Japanese receiving before the strike was declared, per day, on the average?

Mr. AKANA. I think it was 70 cents per day.

Senator NUGENT. What hours were they obliged to work—do you know?

Mr. AKANA. Fourteen hours, I think.

Senator NUGENT. Did the Hawaiians and others who took their places work, or rather, were these Hawaiians and others who took their places obliged to work the same hours at the same wage?

Mr. AKANA. No.

Senator NUGENT. After that strike was settled, were the Hawaiians and others who took the places of the Japanese retained by these sugar companies?

Mr. AKANA. Many of them were released.

Senator NUGENT. They were released?

Mr. AKANA. Yes.

Senator NUGENT. And the Japanese were reemployed?

Mr. AKANA. Yes.

Senator NUGENT. The striking Japanese were reemployed?

Mr. AKANA. Yes.

Senator NUGENT. At the same wage, or higher?

Mr. AKANA. About the same wage. I can not tell you exactly.

Senator NUGENT. That is, 70 cents per day for 12 hours' work?

Mr. AKANA. Yes.

Mr. ROBERTSON. There is one point I would like to mention in connection with that. Seventy cents a day was the basic wage. They got as high as 400 per cent bonus in addition to the 70 cents a day. They got an enormous bonus, based on the price of sugar.

Senator NUGENT. Oh, I see.

Mr. ROBERTSON. And these strike breakers received pay in proportion to what the Japanese would have received, that basic rate plus the bonus, during the period they were employed; and when the strike was over all the strike breakers who desired to continue in the employ of the plantations were continued. Those who were released were those who preferred to be released.

Senator NUGENT. Were these strike breakers who desired to remain in the employment of the companies retained?

Mr. ROBERTSON. Yes, sir.

Senator NUGENT. I understand now. Thank you.

Mr. AKANA. About that bonus—was there not a device by which the bonus was offered after they had done a certain number of days' work?

Mr. Robertson. They had a rather elaborate scheme of figuring this bonus. In order to be entitled to the bonus a man must have worked 20 days in the month; and when he had worked 20 days in the month he would have a bonus based on the market price of sugar during that month or during the year.

Senator Jones of Washington. Is there any intermarriage between the Japanese and the Hawaiians?

Mr. Akana. Hardly. There are very few cases. There does not seem to be any tendency along that line.

Senator Jones of Washington. Is there intermarriage between the Japanese and whites?

Mr. Akana. No; I do not think there is any.

Senator Jones of Washington. The Japanese stay to themselves?

Mr. Akana. Yes.

Senator Jones of Washington. They live to themselves?

Mr. Akana. They are very exclusive in their social life, and apparently that is one of the reasons why it has been very difficult to assimilate them.

The Chairman. Has anybody any further questions to ask? Prince, did you care to make any further statement with reference to this bill?

Mr. Kalanianaole. Yes; I would like to answer some of the statements.

The Chairman. The hour is rather late, and I would suggest, if nobody has any further questions to ask of this witness, that you proceed, then.

Mr. Akana. I thank you very much.

STATEMENT OF HON. J. KUHIO KALANIANAOLE, DELEGATE IN CONGRESS FROM THE TERRITORY OF HAWAII.

Mr. Kalanianaole. Mr. Chairman and gentlemen of the committee, the basis of this bill is a series of concurrent resolutions passed by the Legislature of the Territory of Hawaii during the session of 1919, proposing various amendments to the organic act of the Territory.

At that session of the legislature of the Territory, also by concurrent resolution, the governor was authorized to appoint a legislative commission of the Territory to come to Washington to assist the Territorial Delegate to Congress in the presentation of measures formulated in pursuance of the recommendations contained in the resolutions passed by the legislature.

The legislative commission was composed of the governor, the attorney general of the Territory, two senators, and two representatives from the Legislature of Hawaii.

The ligislative commission offered at the hearings held before the Committee on Territories of the House in February of this year their views as to the necessity for the passage by Congress of measures along the lines indicated in the resolutions.

The most important of the propositions discussed related to what is known as the rehabilitation of the Hawaiian race.

The legislative commission expressed itself as unanimously in favor of legislation upon this subject, and subsequently the bill now under

23. Hawaiian Home Lands Application Form.

PROJECT OFFICES

Waimea Office
P. O. Box 125
Kamuela, Hawaii

Keaukaha Office
P. O. Box 833
Hilo, Hawaii

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

PROJECT OFFICES

Maui Office
P. O. Box 22
Kahului, Maui

Molokai Office
P. O. Box 138
Hoolehua, Molokai

Kauai Office
P. O. Box 332
Lihue, Kauai

HAWAIIAN HOME LANDS APPLICATION

The Department of Hawaiian Home Lands welcomes your interest in the Hawaiian Homes Program. Enacted by the U. S. Congress the Hawaiian Homes Commission Act of 1920 was sponsored by Prince Jonah Kuhio Kalanianaole, Hawaii's second delegate to Congress. The Hawaiian Homes Commission Act provides approximately 200,000 acres of Hawaiian land to be leased to qualifying Hawaiians of at least one-half Hawaiian ancestry on a 99-year lease. The Act designates residential, agricultural and pastoral lots for use.

The program is administered by the Department of Hawaiian Home Lands, a principal department of the State of Hawaii under the executive direction of a seven-member Hawaiian Homes Commission. The State Legislature is authorized to amend those portions of the Act that increase benefits to lessees. U.S. Congressional approval is required for amendments altering the intent and decreasing benefits. Homestead lands are located on all the major islands. To apply for the Master Applications Waiting List and qualify for a 99-year lease in the area of your choice, we will assist you to obtain this goal with the least pilikia. Please read the following information carefully:

1. Complete the enclosed application forms
    a. Application for Lease of Homestead Lot; this is your official application document;
    b. Kumu Ohana; this is your genealogy ancestral chart and proof of your Hawaiian ancestral claim;

2. To substantiate your Hawaiian ancestral claim the following evidence is requested in listed order of priority
    a. The long form Registered Certificate of Birth;
    b. ~~The long form Registered Certificate of Marriage;~~
    c. The Certificate of Hawaiian Birth accompanied by a written statement of clarification of the registrant's parents and their racial ancestry from the Delayed Registration Office of the State Department of Health;

d. An eye witness' affidavit or statement, sworn and notarized, and prepared by an attorney to substantiate claims when documentation is not available
e. Official records from the files of the military, school, hospital, or courts,
f. Physician's or mortuary's written statements.
g. Obituaries and vital statistics news clippings,
h. Records of the State Archives;
i. Verified claims of previously accepted Department Kumu Ohana of your relatives who are applicants or lessees
j. Church records,

3. You are requested to trace your genealogy back to natural ancestors who were pure Hawaiians. Natural ancestors are your real parents, not necessarily legal parents.

These vital statistics may be obtained from the Research and Statistics Office of the State Department of Health, Punchbowl and Beretania Streets, Honolulu, for a $2.00 fee (1974). To make the initial search, you must provide them with the registrant's name, parents' names (when required) and the date and place of the particular event. Other sources for information are the State Archives on the grounds of Iolani Palace, the Circuit Courts, and records kept by family historians.

Information on racial ancestry of sealed, adoptive records may be made available to the Department by special Court Order. We are available to assist you in this matter should you or your ancestor(s) be listed in these records.

If a situation occurs where you find conflicting claims on two evidences such as one indicating "Hawaiian" and another indicating "Part Hawaiian", the Department will accept the claim of your choice.

We do not compel you to prove more than half Hawaiian, however, it will be to the advantage of your heirs that you prove a greater proportion. The burden of proof of your Hawaiian ancestral claim rests in the documents you submit to the Department.

In listing your Hawaiian ancestral claim on the Kumu Ohana, please trace your lineage until you identify at least one pure Hawaiian, or until you are able to prove your claim of Hawaiian percentage.

You may only apply for one residential homestead area and/or one agricultural or pastoral homestead area. However, if you and your spouse qualify as applicants each of you may apply for a residential homestead. You may transfer your application from one homestead area to another at any date, but when this is done, your name shall be placed at the bottom of the waiting list of the new area. Information regarding the types and areas of applications throughout the State and their location is provided in this packet. The number of applicants as well as available lots in each area is also noted.

Applicants for an agricultural or pastoral lot are required to state their experience, education or training in farming or ranching. A Two-Year Farm or Ranch Plan is part of the award requirement.

After you have reviewed the enclosed information, please indicate your preference of application category and area.

If you are the only member of your immediate family who is of half Hawaiian ancestry, please note that a successor must be half Hawaiian, therefore your children may not qualify as beneficiaries.

During the term of your lease you may transfer your leasehold or surrender your interest for the appraised value of the improvements, or designate a qualified relative as your successor. It you or your spouse is a property owner, you will not qualify for an award.

Application information is held in strict confidence and shall not be released without the written consent of the applicant.

Please complete the forms as soon as possible. Your name will appear on the official Master Applications Waiting List only when the forms have been properly completed.

When completed and accepted, your application will be time-stamped and will be assigned a file number. Your name will be officially placed on the Master Applications Waiting List. Then you will be eligible to receive the benefits provided by the Hawaiian Homes Program.

To properly assist you in returning your forms, please contact us at 548-2053 between the hours of 7:45 a.m. and 4:30 p.m. on regular working days. We may also arrange for an appointment. Please ask for an appointment with Faye Masui.

Owau no meka haahaa,
(I am, humbly yours)

(MRS.) BILLIE BEAMER, CHAIRMAN

Enclosures

RKA:pkt

24. Statement Of Mr. Harry Irwin, Attorney General Of Hawaii On Why 50% Definition Of Native Hawaiian And Not 1/32.

PROPOSED AMENDMENTS TO THE ORGANIC ACT OF THE TERRITORY OF HAWAII

Document H

HEARINGS

BEFORE THE

COMMITTEE ON THE TERRITORIES

HOUSE OF REPRESENTATIVES
SIXTY-SEVENTH CONGRESS
FIRST SESSION

ON

H. R. 7257

REHABILITATION AND COLONIZATION OF HAWAIIANS AND OTHER PROPOSED AMENDMENTS TO THE ORGANIC ACT OF THE TERRITORY OF HAWAII

JUNE 9 AND 10, 1921

U.S. Congress. House. Committee on the territories

WASHINGTON
GOVERNMENT PRINTING OFFICE
1921

54505

SEC. 402. If any provision of this act, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the act and the application of such provision to circumstance other than those as to which it is held unconstitutional, shall not be held invalidated thereby.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, T. H., April 23, 1921.

We hereby certify that the foregoing resolution was this day finally adopted in the Senate of the Territory of Hawaii.

CHAS. N. HELLINGWORTH,
President of the Senate.
ALBERT E. LLOYD,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, T. H., April 23, 1921.

We hereby certify that the foregoing resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker, House of Representatives.
EDWARD WOODWARD,
Clerk, House of Representatives

Mr. ALMON. Does the proposed bill contain all that was contained in the bill that was considered at the last session of Congress?

Mr. CHARLES A. RICE. Yes.

Mr. ALMON. And there are additions, as indicated by the underscored lines?

Mr. CHARLES A. RICE. Yes, sir.

Mr. DOWELL. The bill, H. R. 6207, is the bill that your legislature approved and that this commission was appointed to present to Congress for the approval of Congress?

Mr. CHARLES A. RICE. Yes, sir.

Mr. KALANIANAOLE. May I say a few words?

As the bill had not been acted upon favorably by the Senate, the governor of the Territory cabled to me asking me to come home and confer with the legislature relative to the rehabilitation bill. I went home and appeared before the legislature, after which the legislature reframed the bill, adding a few amendments, and the bill as reframed by the legislature, and the amendments thereto, is the bill I have introduced, H. R. 6207.

The CHAIRMAN. We will now hear from the attorney general.

STATEMENT OF MR. HARRY IRWIN, ATTORNEY GENERAL OF HAWAII.

Mr. IRWIN. Gentlemen, turning to the second page of the typewritten bill, you will find that the paragraph numbered 7 reads as follows:

> The term "native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

In the bill as it passed the House last year that read: "Not less than one-thirty-second part." That particular provision was the cause of a good deal of opposition on the part of the opponents of the bill, and in order to meet that opposition, and perhaps do away with some of the opposition, the legislature decided to amend that to read, "not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778," so as to make the proposition more distinctively a Hawaiian rehabilitation scheme. It was said by the opponents of the bill that a person of one-thirty-second Hawaiian blood was to all intents and purposes a white person; that as a matter of fact you could not tell the difference between a person having one-thirty-second part of Hawaiian blood and a white person. So in order to meet that objection this change is suggested and the provisions of the bill are confined to those with not less than one-half Hawaiian blood.

On page 5, paragraph No. 1 of section 204 contains, perhaps, the most important amendment which is suggested. Those of you who are familiar with the bill know that a large number of pieces of land have been set aside for the use of this commission for the purpose of rehabilitating the Hawaiian people. Opposition was offered to this feature on the ground that it would tie up a very large amount of public land in Hawaii.

The CHAIRMAN. You mean page 5 of the typewritten bill?

Mr. IRWIN. Yes.

The CHAIRMAN. You had better refer to the page in the printed bill.

Mr. IRWIN. That would be an insert on page 6 of the printed bill; that would be paragraph No. 1 on page 6 of the printed bill.

Mr. WEAVER. Is this the same in the printed bill as it is in the typewritten bill?

Mr. IRWIN. Yes. The purpose of that amendment is to make available for the first five-year period only a certain portion of the lands which are set aside under the previous sections of the bill. In other words, the proposition now is, frankly, an experiment. There is a certain tract of land on the island of Molokai and two tracts of land on the island of Hawaii, which are made immediately available for the purposes of the act, and those lands are available for five years. That allows a fairly adequate time in which to prove whether or not this proposition can be amde a success or whether it will be a failure. If at the end of five years it has been demonstrated that the proposition has been a success, and can be made a continuing success, then, with the approval of the Secretary of the Interior, the other lands mentioned in the previous sections of the bill may be continued to be used from time to time for the general purposes of the rehabilitation scheme. That is about all I have to say about that.

Mr. WEAVER. Who determines that question?

Mr. IRWIN. The commission makes application to the Secretary of the Interior, and if he becomes convinced that the scheme is a success then he will permit further lands to be used for the general purposes of the rehabilitation scheme. The idea of referring that to the Secretary of the Interior was to take it out of local politics entirely and give it independent judgment as to whether or not this scheme had proved a success. Are there any other questions on that particular amendment?

The CHAIRMAN. We may have some later on, but not now.

Mr. IRWIN. In paragraph No. 2 of that section the words "with the approval of the Secretary of the Interior" are inserted in order to make it accord with the new section to which I have just referred.

The CHAIRMAN. Those words are also inserted in paragraph 5.

25. Hawaiian Homes Commission Act, 1920, Senate Report No. 236
To Accompany S. 1881, 67th Congress, 1st Session, 1921.

67th Congress, } HOUSE OF REPRESENTATIVES. { Report
1st Session. } { No. 236.

AMENDMENT TO THE ACT TO PROVIDE A GOVERNMENT FOR THE TERRITORY OF HAWAII.

June 28, 1921.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Curry, from the Committee on the Territories, submitted the following

REPORT.

[To accompany S. 1881.]

The Committee on the Territories, to whom was referred S. 1881 "An act to amend an act entitled 'An act to provide a government for the Territory of Hawaii, approved April 30, 1900, as amended, to establish an Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes," having considered the same, report it to the House with the recommendation that the same do pass.

The basis of this bill is a series of concurrent resolutions passed by the Legislature of the Territory of Hawaii during the sessions of 1919 and 1921, proposing various amendments to the organic act of the Territory. During the session of 1921 the Legislature of the Territory, by concurrent resolution, authorized the governor of the Territory to appoint a legislative commission to come to Washington to assist the Territorial Delegate to Congress in the presentation of any measures formulated in pursuance of the resolutions passed by the legislature. The commission appeared before your committee and were unanimous in their support of the bill.

The bill seeks to rehabilitate the Hawaiian race by placing Hawaiian families back on the land. A considerable portion of the land once known as the "Hawaiian Crown lands," lying in five of the islands and now at the disposal of the United States Government, is available for lease to Hawaiians for homestead purposes. This bill provides the conditions under which the Government lands may be leased by Hawaiians.

The Hawaiian race is fast declining. Statistics indicate that within the course of a few years the race will become extinct unless some method can be adopted to check the decrease. The Hawaiian Legislature and civic organizations have spent years in the study of the situation and have unanimously indorsed the methods set forth in this bill as practicable for rehabilitating the Hawaiian race.

During the last session of Congress a bill on this subject passed the House.

The present bill, embodying the same principles as the first one but eliminating certain provisions, was submitted to the Hawaiian Legislature, which approved it and memorialized Congress to pass it. The bill now before the House differs from the measure introduced at the last session in that it limits those entitled to its benefits to Hawaiians of full blood and part Hawaiians of not less than half blood. The present bill also limits the plan of settlement to two of the islands instead of five, in order that the plan can be tried before the entire area set apart is occupied by homesteaders.

Section 315 amends the Hawaiian organic act by adding three additional sections, including the regulation of the employment of labor on public work carried on by the Government of the United States to citizens of the United States or those eligible to become citizens, grants certain powers to the board of harbor commissioners of the Territory, and makes these provisions a part of the Hawaiian organic act.

The amendment embodying section 106 grants to the board of harbor commissioners of the Territory, in addition to their general powers over wharves and landings, the right to levy a toll or tax on freight passing over wharves and landings belonging to the Territory.

The present bill has the approval of the Legislature of Hawaii, the governor of Hawaii, the governor designate, the legislative commission, the Chamber of Commerce of Honolulu, the Hawaiian Civic Association, leading business interests and ranch owners, the great majority of Hawaiian citizens, and the Hawaiian Delegate to Congress.

26. Congressional Record, May 29, 1974, House, 50% Plus Blood Hawaiian For Native Hawaiian Definition In Native American Programs Act Of 1974 As Amended By Congresswoman Mink.

munity economic development programs and the resources available from public and private funds in meeting those needs.

(b) The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor shall report on their findings, together with any recommendations for further legislation, not later than one year after enactment of this title.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 1156. (a) For the purpose of carrying out Part A of this title, there are hereby authorized such sums as may be necessary for the fiscal years ending June 30, 1974, 1975, 1976, and 1977.

(b) For the purpose of carrying out part B of this title, there are hereby authorized such sums as may be necessary for the fiscal years ending June 30, 1975, 1976, and 1977.

TITLE XII—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 1201. (a) For the purpose of carrying out this Act, except where specifically provided, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1974, and for each of the three succeeding fiscal years.

(b) For the purposes of carrying out the programs authorized under section 121 there is authorized to be appropriated $330,000,000 for the fiscal year 1975 and such sums as may be necessary for each of the two succeeding fiscal years.

(c) In addition to the amounts made available pursuant to subsection (b) there is also authorized to be appropriated not to exceed $50,000,000 to carry out section 145 (Incentive Grants) during the fiscal year ending June 30, 1975, and such sums as may be necessary during each of the two succeeding fiscal years, except that in no event may more than 12½ per centum of such additional amounts be used in any one State.

AVAILABILITY OF FUNDS

SEC. 1202. Notwithstanding any other provisions of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this Act or any predecessor authority shall remain available, in accordance with the provisions of this Act, for obligation and expenditure until expended.

TITLE XIII—GENERAL PROVISIONS

DEFINITIONS

SEC. 1301. As used in this Act—

(1) the term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands, and for purposes of title I, part A of title II and title III the meaning of "State" shall also include the Trust Territory of the Pacific Islands; except that when used in section 125 of this Act this term means only a State, Puerto Rico, or the District of Columbia. The term "United States" when used in a geographical sense includes all those places named in the previous sentence, and all other places continental or insular, subject to the jurisdiction of the United States;

(2) the term "financial assistance" when used in title I, part B of title II, title III, and part B of title IV, includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

(3) the term "lower living standard budget" means that income level (adjusted for regional and metropolitan, urban and rural differences and family size) determined annually by the Bureau of Labor Statistics of the Department of Labor and referred to by such Department as the "lower living standard budget"; and

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 620: *Provided*, That in determining who is "poor" or "low-income", the Director shall take into consideration existing poverty guidelines as appropriate to local situations.

NONDISCRIMINATION

SEC. 1302. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the grounds of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

GUIDELINES

SEC. 1303. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date.

CRIMINAL PROVISIONS

SEC. 1304. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under this Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act, shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under this Act induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than $1,000 or imprisoned not more than one year, or both.

WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 1305. Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under this Act is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director shall suspend such portion of such payment due to such person, which, if possible, is sufficient to satisfy such delinquency, and shall not make or enter into any new grant, contract, agreement, loan or other assistance under this Act with such person until the Secretary of the Treasury or his delegate has notified him that such person is no longer delinquent in paying or depositing such tax or the Director determines that adequate provision has been made for such payment. In order to effectuate the purpose of this section on a reasonable basis the Secretary of the Treasury and the Director shall consult on a quarterly basis.

REPEAL OF ECONOMIC OPPORTUNITY ACT OF 1964

SEC. 1306. (a) The Economic Opportunity Act of 1964, as amended (Public Law 92-424), is hereby repealed.

(b) The personnel, property, records, and unexpected balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Director of the Office of Economic Opportunity are hereby transferred to the Director of the Administration. All grants, contracts, and other agreements awarded or entered into under the authority of the Economic Opportunity Act of 1964, as amended, will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

(c) All official actions taken by the Director of the Office of Economic Opportunity, his designee, or any other person under the authority of the Economic Opportunity Act of 1964, as amended, which are in force on the effective date of this Act and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

(d) All references to the Office of Economic Opportunity, or the Director of the Office of Economic Opportunity in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after the effective date of this Act, be deemed to refer to the Administration and the Director thereof.

(e) No suit, action, or other proceeding, and no cause of action, by or against the agency known as Office of Economic Opportunity, or any action by any officer thereof acting in his official capacity, shall abate by reason of enactment of this Act.

EFFECTIVE DATE

SEC. 1307. The provisions of this Act shall take effect on the date of the enactment of this Act.

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that the rest of the bill beginning on page 279 and through page 350 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer three amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

The Clerk read as follows:

Amendments offered by Mrs. MINK: On page 102, line 4, after the word "Indians" insert a comma and add the following: "Hawaiian Natives (as defined in the Hawaiian Homes Commission Act of 1920, as amended)".

On page 302, line 10, after the word "Act" insert the following: "and such public and nonprofit private agencies serving Hawaiian Natives".

On page 305, line 14, after the comma following "village" insert the following: "or Hawaiian Homestead,".

And on line 22, after the comma following "village" insert the following: "or Hawaiian Homestead,".

Mr. HICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Washington.

Mr. HICKS. Mr. Chairman, I rise in support of H.R. 11449 and in particular of Follow Through, one of the programs which this legislation would continue.

The Follow Through program began as a response to the findings that Head Start children lost their early gains when they were returned to traditional classrooms. Follow Through projects utilize the strategy of planned variation in an attempt to sustain the achievements of preschool children in programs such as Head Start. Those who are involved with the Follow Through program are satisfied that participating schools and classrooms are experiencing positive change, and express the hope that early education will be influenced by the Follow Through successes.

I am advised that Follow Through involves about 81,000 low income pupils in communities scattered across the Nation. New approaches and techniques are being implemented in 170 sites. Approximately 70 percent of the children attending belong to minority racial and ethnic groups in cities and rural areas.

I am told that my district has one of the outstanding Follow Through projects in the Nation. The program in Tacoma, Wash., has had a very beneficial and positive impact on parents and the community. It is closely integrated with Head Start and title I programs to provide support services to serve the needs of the children in the program.

To the parents and children involved in Follow Through, it is the outstanding Federal educational effort. It has not only provided individualized instruction, staff development for teachers, and assistance and active participation of parents in the education of their children, but social service contacts with children and families, referrals and consultation with community agencies, and dental, medical and nutritional help. Jobs have been provided for low income people which in many, many instances have provided that one step up to greater financial security and family stability.

I was greatly distressed by the administration proposal to phase out this outstanding program over the next 3 years. However, I am pleased to note that rather than phasing out the program, the committee has authorized appropriations for Follow Through at a level of $60 million for each of the 3 years of the life of the act now under consideration.

Mrs. MINK. Mr. Chairman, the purpose of these three amendments is to qualify the Native Hawaiian who is a native American for the programs which would be authorized by title VIII. Under title VIII the Secretary, as it is currently written, is authorized to provide financial assistance to public and nonprofit private agencies, including governing bodies of Indian tribes, Alaskan Native villages, and regional corporations.

My amendment would define the purpose section to include the Native Hawaiian as a group which could be benefited by the projects under title VIII.

It also amends section 811 so that public and nonprofit private agencies serving Native Hawaiians would qualify for grants.

It also amends the section which requires the Governors and mayors to consent before these projects are permitted in an area.

Mr. Chairman, I think it is not well known or understood that Native Hawaiians are very much similar to American Indians and the Native Alaskans. Both these two latter groups have dominated the legislative scene: First, because we have a subcommittee in the Committee on the Interior that cares for programs related to American Indians and second, because of the Alaska Native Claims Settlement Act for the Alaska Natives.

Native Hawaiians have not been the beneficiaries in any legislation paralleling what we have done for the American Indians and the Alaska Natives.

Notwithstanding this lack of legislative action they do still constitute a group of native Americans who were the inhabitants of the islands of Hawaii before they were annexed in 1898 and made a part of the United States as a territory, which in 1959 became a State. I feel that the recognition which these people are entitled to have is long overdue.

The Congress did, in 1920, through the effective work of Prince Kuhio, the Hawaii territorial nonvoting delegate at that time, pass the Hawaiian Homestead Act, which set aside certain lands in Hawaii for the particular and exclusive use of Native Hawaiians for the purpose of these people being able to build their homes and obtain low-interest loans from the Government and hold their lands under a 99-year lease.

These homesteads are still in existence in Hawaii. My definition of Native Hawaiians is tied to this Hawaiian Homestead Act for administrative unity. In that act, the definition for a Native Hawaiian is a person with 50 percent or more aboriginal native Hawaiian blood. It is this group of people who are most disadvantaged in Hawaii. They live in isolated areas. Their circumstances are very similar to that of American Indians. In many cases, they were given lands which were least desired by the Government or by the people; lands which could not be used by the agricultural interests of sugar and pineapple.

These are set aside for the natives. They are often far away from urban areas. These people cannot find jobs and need the assistance which might be made available to them if they were qualified under title VIII.

Mr. Chairman, I urge the committee to adopt my amendments.

Mr. HAWKINS. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. Mr. Chairman, I yield to the gentleman from California.

Mr. HAWKINS. Mr. Chairman, the gentlewoman has discussed her series of amendments with members of the committee on this side. I think she has a very valid point, and we accept them.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I want to indicate that I think the amendments offered by the gentlewoman from Hawaii are good, and we accept them. I hope they can be adopted.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by my colleague from Hawaii (Mrs. MINK). In fact I myself was prepared to offer the amendment if my colleague or any other member of the committee had not offered it. The amendment is a simple one, designed to remove an apparent oversight on the part of the administration and the Committee on Education and Labor which reported the bill. The amendment deals with title VIII entitled the Native American Program Extension Act which provides grants to programs promoting the economic self-sufficiency of native Americans. The beneficiaries of the existing program are limited to American Indians and Alaskan Natives. The pending amendment would simply add the only native American group in the United States presently excluded, the Native Hawaiians, who are certainly no less deserving of recognition and support than any other native Americans.

Mr. Chairman, according to U.S. Census Bureau figures, the Hawaiian and part-Hawaiian residents of the State of Hawaii comprise only 9.3 percent of the total State population. There are approximately 71,000 Native Hawaiians in the State. I am informed by the U.S. Department of Health, Education, and Welfare that over 800,000 American Indians and over 35,000 Alaskan Natives live in the United States. This amendment would thus add only about 8 percent more potential beneficiaries to the existing program. But whatever the impact, the discrimination against this particular group of native Americans ought no longer be permitted.

Today, fully one-third of all Native Hawaiians receive welfare assistance in the State of Hawaii. 19 percent of all Hawaiians fall below the poverty level as defined by the Hawaii Department of Social Services, as compared to an estimated total of 9 percent of the State population.

Mr. Chairman, although I would not claim that Native Hawaiians are suffering as much as or more than other native Americans, I must call the attention of this House to the fact that real and serious problems plague the Hawaiian residents of my State. The figures I cited amply demonstrate this. Furthermore, plight of unemployed and underemployed Native Hawaiians is just as crippling to the soul and the family budget as it is to other native Americans.

Mr. Chairman, I believe in the native Americans projects and in the positive, self-help assistance it makes available to our native Americans. I urge the approval of the pending amendment, so that assistance may be extended to th only native American group excluded from the project's benefits, the Native Hawaiians. American justice demands it.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Hawaii (Mrs. Mink).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: Page 349, line 10, strike out "personnel,".

Mr. QUIE. Mr. Chairman, this amendment is made to conform with the amendment offered by the gentleman from Michigan (Mr. Ford). The amendment offered by the gentleman from Michigan takes care of the transfer of personnel. So there will not be any confusion, this amendment proposes to drop the word "personnel."

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. Mr. Chairman, I yield to the gentleman from California.

Mr. HAWKINS. Mr. Chairman, my understanding of the amendment is that it is to be related to the amendment which we accepted on section 602; to the understanding that was worked out through the efforts of the gentleman from Michigan (Mr. Ford) the gentleman from Minnesota, and others. Within the context of that agreement and that amendment, which I understand this is limited to, I am certainly willing to accept it.

Mr. QUIE. Mr. Chairman, I thank the gentleman.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words in order to engage in colloquy with the gentleman who offers the amendment.

Mr. Chairman, unless I am mistaken, the only language in the bill which provides any specific direction that the present employees of OEO, to the extent that they are actually needed, will be transferred to HEW, is contained in this section.

Is it the gentleman's intention that by striking the word "personnel," he removes the requirement that every single person be transferred, but nevertheless would say that those people who do fit in will be transferred?

Mr. QUIE. If the gentleman would yield for a reply, yes. The language the gentleman offered in his amendment authorizes the director to use and assign in accordance with Civil Service. That will be the applicable language. By that language, the gentleman removes the requirement that all personnel had to be transferred. This, then, would be in compliance with it.

Mr. Chairman, we did the same thing with the Legal Services bill, where we provided for the transfer of property and records and so forth.

We dropped the word "personnel" in that conference report, as well.

Mr. FORD. I would like to support the gentleman and be absolutely clear. My understanding of his intent, and I agree with it if it is consistent with my amendment, is that it might not be prudent or possible to transfer every last, single person presently in OEO to HEW, and we would, by dropping this word "personnel," be eliminating that particular requirement.

On the other hand, to the extent that personnel are needed in HEW to operate the continuing programs of OEO, my understanding is that present OEO employees will be taken over by the new agency performing the job; is that correct?

Mr. QUIE. That is correct. Under the gentleman's amendment, under transfer of funds and authority, which is in Civil Service, it would protect them because they are the ones who are handling those functions at the time of transfer.

Mr. FORD. Mr. Chairman, one final question: Would not the proper construction, when viewed afterwards, that the Committee of the Whole removed the word "personnel"—no one could properly construe that to be an indication of our intent to provide something other than a transfer of all needed personnel from OEO to HEW?

Mr. QUIE. It could not be construed to have any intent other than to be complementary to the amendment offered by the gentleman.

Mr. FORD. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Meeds: Page 302, line 10, after "Act," insert "and Indian organizations in urban or rural nonreservation areas,".

Mr. MEEDS. Mr. Chairman, I will not require the full 5 minutes. Indeed, I will require very little of it.

This is what I call a conforming amendment. It conforms to what is presently being done and what the intent of Congress is, that funds under this section be spent by these organizations among the others who are listed.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I will be happy to yield to the gentleman from California.

Mr. HAWKINS. Mr. Chairman, I would like to say that the amendment on this side is acceptable.

Mr. STEIGER OF Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Wisconsin.

Mr. STEIGER OF Wisconsin. Mr. Chairman, it is a good amendment, and I hope that it is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. Meeds).

The amendment was agreed to.

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Steiger of Wisconsin: Page 343, immediately after line 25, insert the following new title:

TITLE XII—SENIOR OPPORTUNITIES AND SERVICES

SENIOR OPPORTUNITIES AND SERVICES

Sec. 1201. The Secretary of Health, Education, and Welfare shall establish within the Administration on Aging a program to be known as Senior Opportunities and Services designed to identify and meet the needs of older, poor persons above the age of sixty in one or more of the following areas: development and provision of new employment and volunteer services; effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, and recreational and other services; stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; modification of existing procedures, eligibility requirements and program structures to facilitate the greater use of, and participation in, public services by the older poor; development of all-season recreation and service centers controlled by older persons themselves, and such other activities and services as the Secretary may determine are necessary or specially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency.

And redesignate the following titles and sections accordingly.

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Chairman, this is the amendment we discussed at some time earlier in the day.

Having adopted the amendment to remove SOS from title I this is to establish a Senior Opportunities and Services program in the Administration on Aging of HEW.

Mr. Chairman, it is to have a separate identity in the agency, not to be included in any formula grant program, and I urge the adoption of the amendment.

Mr. HAWKINS. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I will be delighted to yield to the gentleman from California.

Mr. HAWKINS. As previously stated, Mr. Chairman, there is no objection from the Members on this side.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the action on that last amendment went so fast that I did not understand it. It appears that we have another bill out of the Committee on Education and Labor which is being written on the House floor, at least in substantial part.

Just what did that last amendment provide?

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield. I am among the aging, and I would like to know what we are doing in that respect.

Mr. STEIGER of Wisconsin. Absolutely. I wanted to make sure that was clear.

27. Congressional Record, June 25, 1975, Senate, Senator Fong Lowers Native Hawaiian Blood Quantum To Minimal.

major industrial nations—including the United States, Great Britain, Germany, Canada, and Japan—use the credit system to avoid double taxation of income.

The credit system avoids double taxation by granting the taxpayer a dollar-for-dollar credit against his U.S. tax liability for income taxes paid to a foreign country. To prevent foreign taxes paid on foreign source income from reducing the U.S. taxes paid on income earned in the United States, present law provides a limitation on the amount of foreign taxes which may be credited in any 1 year .

Under present law a taxpayer is allowed to select either the "per country" or the "overall" limitation for the foreign tax credit.

The per-country limitation limits the credit to the amount of U.S. tax on the net income from each country. It treats the income from each country as a single unit. Thus, if the rate of tax in any country exceeds the U.S. rate, the excess is not creditable.

The overall limitation treats all foreign income and losses as a single unit. The credit is limited to the amount of U.S. tax paid on the aggregate net income from all foreign sources. Thus it permits averaging high and low tax rates in various countries.

In general, to the extent a company has losses in some foreign countries it tends to be better off under the country by country limitation. To the extent it does business in countries with effective tax rates over 48 percent, it tends to be better off under the overall.

Many petroleum companies with large intangible drilling expenses abroad find the "per country" limitation advantageous. In fact, all but three or four of the major oil companies use the per country limitations. The reason for this is the fact that when such companies have a loss—frequently from foreign intangible drilling expenses—in one country or more, the loss can be offset against U.S. income rather than used to reduce foreign income from other countries for purposes of the ratio in the tax credit limitation which would reduce the taxes which can be used as a credit in the case of these other foreign countries.

The use of the per-country limitation often permits a U.S. taxpayer who has losses in a foreign country to obtain what in effect is a double tax benefit. Since the limitation is computed separately for each foreign country, these losses do not have the effect of reducing the credit allowed for foreign taxes paid in other foreign countries from which income was derived. Instead, the losses reduce U.S. taxes on U.S. source income. In addition, when the business operations in the loss country become profitable, a credit is allowed for the taxes paid in that country against what otherwise would be the U.S. tax on the income from that country.

In other words, a U.S. taxpayer with losses from a foreign country using the per-country limitation receives one tax benefit when losses arise—in that they are allowed to reduce U.S. tax on U.S. income—and can receive a second tax benefit when income is derived from that foreign country—in that no U.S. tax is imposed on the income to the extent of the foreign taxes on that income.

In the case of income from foreign oil and gas production, the foreign taxes on that income are normally in excess of the U.S. effective rate of tax on that income. Thus, U.S. oil and gas companies which use the per-country limitation are able to reduce their tax on their U.S. source income by the use of the losses on their foreign drilling projects and in addition pay no tax on their foreign source income when their projects go into production and become profitable.

If the costs of drilling operations are to be used to reduce the U.S. taxes on U.S. source income, these operations should be conducted in the United States where the United States can be assured that the oil and gas production is used for domestic needs and the revenue from the production will pay U.S. rather than foreign taxes.

It is not appropriate to continue to permit oil and gas companies to use the per-country limitation. Instead, these companies should be required to deduct their foreign oil-related losses against their foreign oil-related income.

Therefore, in the case of foreign oil-related income, the amendment provides that the overall limitation is to apply and that the per-country limitation is not to apply to oil and gas operations. For this purpose, the taxpayer is to be treated as if the election to use the overall limitation—section 904(b)(1)—has been made. This change is to be effective for taxable years ending after December 31, 1973.

AMENDMENT NO. 1531

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS (for himself, Mr. BEALL, and Mr. TUNNEY) submitted an amendment intended to be proposed by them to the bill (H.R. 14832), supra.

(The remarks of Mr. MATHIAS on the submission of the above amendment appear under "Statements on Introduced Bills and Joint Resolutions.")

COMMUNITY ACTION ADMINISTRATION ACT—AMENDMENT

AMENDMENT NO. 1537

(Ordered to be printed and referred to the Committee on Labor and Public Works)

Mr. FONG. Mr. President, I offer an amendment to broaden the definition of "Native Hawaiian" in H.R. 14449, the proposed Community Services Act of 1974, so as to permit many more people of Hawaiian accestry to participate in the Native American program provided under title III of the bill, which is now pending before the Senate Committee on Labor and Public Welfare.

One important program extended by H.R. 14449 is the "Native American program," title VIII of the bill. This is a program which would make available Federal grants for a broad range of programs "promoting the goal of economic and social self sufficiency" of Native Americans. Native Hawaiians were included as participants in this program along with American Indians and Native Alaskans

Unfortunately the definition of Native Hawaiians, as proposed in the House and adopted by the House on May 29, is unnecessarily restrictive, permitting only persons of no less the one-half Hawaiian blood to directly participate in this self-help program.

The definition given a Native Hawaiian in the bill is "as defined in the Hawaiian Homes Commission Act of 1920 as amended." The pertinent language of the act referred to is as follows:

> The term "Native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous of 1778. (Hawaiian Homes Commission Act of 1920, Act of July 9, 1921 (42, 42 Stat 108, Title 2, Section 201, (7).)

The definition found in the Hawaiian Homes Commission Act is a statement of qualification only for participation in the program of that particular act and not a definition of a Native Hawaiian as it is understood in the Hawaiian community.

This restriction of "not less than one-half part of the blood" would foreclose thousands, if not the majority, of the people of Hawaiian ancestry from the benefits of this proposed Community Act of 1974, in many cases the very people who need the benefits of the act the most.

This fractional restriction of blood has, wisely, not been imposed on the American Indian and Alaskan Native. It should not be imposed on the Hawaiian.

My amendment would extend eligibility to any person who could qualify under the following definition of "Native Hawaiian":

> The term "Native Hawaiian" means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778. (1778 is the year Hawaii was discovered by Captain Cook.)

This amendment will serve two purposes:

First. It defines a Hawaiian in a manner commonly accepted by the Hawaiians.

Second. It treats the Hawaiian the same as an American Indian and Native Alaskan.

I urge the Senate Committee on Labor and Public Welfare to approve my amendment to H.R. 14449.

AMATEUR ATHLETIC ACT OF 1974—AMENDMENT

AMENDMENT NO. 1530

(Ordered to be printed and to lie on the table.)

Mr. COOK. Mr. President, I am introducing today an amendment in the nature of a substitute to titles I and of S. 3500, the Amateur Athletic Act 1974. The amendment contains essentially the same language as S. 3273 troduced earlier in the session by Senat HUMPHREY and me, but with several portant revisions.

I am convinced that this amendme if adopted, will provide an effective a suitable resolution to many of the pro lems that have plagued amateur athlet

28. Kinau Kamalii HR 200 In 1980 To Lower Native Hawaiian Blood Quantum In Hawaiian Homes Commission Act.

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
TENTH LEGISLATURE, 19 80
STATE OF HAWAII

H.R. NO. 200

HOUSE RESOLUTION

CONCERNING CHANGES IN THE BLOOD QUANTUM REQUIREMENTS FOR LESSEES OF HAWAIIAN HOME LANDS.

WHEREAS, Section 4 of the Admission Act of the State of Hawaii (Act of March 18, 1959, Pub.L. 863, 73 Stat 4) provides that the qualifications of lessees of Hawaiian home lands shall not be changed except with the consent of the United States; and

WHEREAS, Sections 207 through 209 of the Hawaiian Homes Commission Act limit leases under Section 207 of the Hawaiian Homes Commission Act to "native Hawaiians" who are defined by Section 201 of the Hawaiian Homes Commission Act as "any descendant of not less than one half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778"; and

WHEREAS, Section 209 of the Hawaiian Homes Commission Act in most cases limits the transfer of Hawaiian homes leases upon the death of the lessee to relatives of the lessee who are "native Hawaiians"; and

WHEREAS, Article XI, of the Constitution of the State of Hawaii provides:

> HAWAIIAN HOME LANDS
>
> HAWAIIAN HOMES COMMISSION ACT
>
> Section 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide

1

that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provision or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

COMPACT WITH THE UNITED STATES

Section 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of Congress pertaining thereto shall be definitive of the extent and nature of such compact, condition or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out;

and

WHEREAS, the legislature of the State of Hawaii is deeply concerned with, and in close proximity to the problems and needs of the native Hawaiians and seeks to be able to respond effectively to these problems and needs; now, therefore,

BE IT RESOLVED by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, that the House of Representatives and the Senate of the United States are requested to delegate to the Legislature of the State of Hawaii the power to alter the blood quantum requirement for one to be a "native Hawaiian" for the purposes of the Hawaiian Homes Commission Act; and

H.R. NO. 200

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Speaker of the House of Representatives of the United States, the President, pro tempore, of the Senate of the United States and the members of Hawaii's Congressional Delegation.

OFFERED BY: Kinau Boyd Kamalii

FEB 13 1980

29. Kinau Kamalii HR 377 In 1981 To Lower Native Hawaiian Blood Quantum In Hawaiian Homes Commission Act.

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
ELEVENTH LEGISLATURE, 1981
STATE OF HAWAII

H.R. NO. 377

HOUSE RESOLUTION

CONCERNING CHANGES IN THE BLOOD QUANTUM REQUIREMENTS FOR LESSEES OF HAWAIIAN HOME LANDS.

WHEREAS, section 4 of the Admission Act of the State of Hawaii (Act of March 18, 1959, Pub.L. 863, 73 Stat. 4) provides that the qualifications of lessees of Hawaiian home land shall not be changed except with the consent of the United States; and

WHEREAS, sections 207 to 209 of the Hawaiian Homes Commission Act limit leases under section 207 of the Hawaiian Homes Commission Act to "native Hawaiians" who are defined by section 201 of the Hawaiian Homes Commission Act as "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778"; and

WHEREAS, section 209 of the Hawaiian Homes Commission Act in most cases limits the transfer of Hawaiian homes leases upon the death of the lessee to relatives of the lessee who are "native Hawaiians"; and

WHEREAS, Article XII, sections 1 and 2, of the Constitution of the State of Hawaii provides:

> HAWAIIAN AFFAIRS
>
> HAWAIIAN HOMES COMMISSION ACT
>
> Section 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature; provided that if and to the extent that the United States shall so require, such law shall be subject to amendment or repeal only with the consent of the United States and in no other manner; provided further that if the United States shall have been provided or shall provide that particular provisions or types of

provisions of such Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms and spirit of such Act. The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law.

Thirty percent of the state receipts derived from the leasing of cultivated sugarcane lands under any provision of law or from water licenses shall be transferred to the native Hawaiian rehabilitation fund, section 213 of the Hawaiian Homes Commission Act, 1920, for the purposes enumerated in that section. Thirty percent of the state receipts derived from the leasing of lands cultivated as sugarcane lands on the effective date of this section shall continue to be so transferred to the native Hawaiian rehabilitation fund whenever such lands are sold, developed, leased, utilized, transferred, set aside or otherwise disposed of for purposes other than the cultivation of sugarcane. There shall be no ceiling established for the aggregate amount transferred into the native Hawaiian rehabilitation fund.

ACCEPTANCE OF COMPACT

Section 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.;

and

WHEREAS, the Legislature of the State of Hawaii is deeply concerned with, and in close proximity to the problems and needs of the native Hawaiians and seeks to be able to respond effectively to these problems and needs; now, therefore,

BE IT RESOLVED by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the House of Representatives and the Senate of the United States are requested to delegate to the Legislature of the State of Hawaii the power to alter the blood quantum requirement for one to be a "native Hawaiian" for the purposes of the Hawaiian Homes Commission Act; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Speaker of the House of Representatives of the United States, the President Pro Tempore of the Senate of the United States, and the members of Hawaii's Congressional Delegation.

Whitney T. Anderson

OFFERED BY: Kinau Boyd Kamalii

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Donna R. Ikeda

Barbara Marumoto

Herbert Segawa

Eloise Yamashita Tung

James Aki

Tony Narvaes

Mazie Hirono

H.R. NO. 377

Marshall K. Ige

Tom Okamura

Dennis M. Nakasato

MAR 1 1 1981

Kathleen G. Stanley

Clarice Y. Hashimoto

Connie Chun

Gerald T. Hagino

Calvin K.Y. Say

Charles Toguchi

Carol Fukunaga

30. G. Analika Nahulu Victor Testimony Re: Native Hawaiian Declaration On Occupation, Use And Control Over Hawaiian Archipelago.

April 16, 1984

TESTIMONY TO THE U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Aloha Kā Kou. My name is G. Analika Nahulu Victor. I am a Public Law 96-565, Title I Native Hawaiian, a life long resident of the Nānākuli Ahapua'a, and a trustee of Ho'Ala Kanawai Inc. Ho'Ala Kanawai Inc. is a Statewide Public Law 96-565, Title I Native Hawaiian organization whose purpose is the betterment of conditions of Native Hawaiians as defined by the Hawaiian Homes Commission Act 1920, as amended.

I am not in support of changing the Native Hawaiian definition until the needs and concerns of Native Hawaiians are addressed. For over 64 years, the Native Hawaiian has been a class of individuals identified with needs and concerns. As beneficiaries of two trusts, it is unclear to what extent reponsibilities or benefits were distributed. I believe this Native Hawaiian needs and concerns deserves attention before the definition is to include other Hawaiians with other needs and concerns from the Native Hawaiian.

I am here today as one of many organizations in support of a Native Hawaiian Declaration and Claims.

We, the Native Hawaiians (Public Law 96-565, Title I), are the traditional, rightful, legal occupants and users of the land, water, sea, mineral and all other resources as farmers, fishermen, hunters, manufacturers, miners, tradesmen, professionals and residents who have nurtured and permeated the Hawaiian Archipelago.

We, the Native Hawaiians, have inhabited and occupied these archipelago and exercised our traditional rights since time immemorial to sustain and maintain our culture and primordial interests under all of the governments exercising jurisdiction over the Hawaiian Archipelago.

We, hereby present to the President and the Congress of the United States of America, and to all to whom this may concern, this Declaration and Claims to the Hawaiian Archipelago, and declare our plenary and equal rights to protect our fundamental rights and freedom and our Hawaiian Admission Act Sections 4 (Hawaiian Homes Commission Act, 1920) and §5(f) land trusts.

Thank-you.

G. Analika Nahulu Victor

31. Puanani Kealoha Testimony Re: Native Hawaiian Needs And Concerns.

To:
Committee on Energy and Natural Resources
of the Senate

2:07 P.M.
April 29, 1984
Waianae, Oahu

Senator Sparky Matsunaga
and Committee Members,

During the third week of April 1984, a panal of of Hawaii's Congressional Delegate's made a sweep through the State of Hawaii to gather evidence of the United States role in the overthrow of the Hawaiian Kingdom. At this point and time of this writing, I would like to refer you to look up the "Blount Report" and also the acknowdgement of President Grover Cleveland's reference to the Illegal Overthrow of the Hawaiian Kingdom, 1893.

This evidence can all be obtained in the Library of Congress. Testimony was also given to Senator Matsunaga of the needs, concerns, desires, conditions and recomendation's to aid in correcting this "injustice inflicted" upon a certain group of people. I would like to refer to these people as The Native Hawaiian (Public Law 96-565 Title I.)

After much thought, fact-finding research and prayer, I have been prompted to write this paper, with hopes that it will help you, in working with us to resolve these problem's as quickly as deemed necessary.

I realize that the many people who gave testimony on our behalf, feel deeply concerned for our future destiny, and I am ever so grateful to them, but I also realize that this problem must be presented to you by the people being directly affected. I myself, being of the Native Hawaiian blood, know all too well the needs and concerns of my people. I am at this writing thirty-one (31) years of age. Ten (10) years of my life was spent on Hawaiian

Homestead lands of Papakolea and Nanakuli.

Ten (10) years of my life was lived on U.S. Military installations through-out the world. I never understood why the Hawaiian people on the homesteads suffered under such cruel conditions, until I started to get involved with Hawaiian issues eleven (11) years ago. Not too many Native Hawaiian's were educated in the reading, writing and comprehension field, at that time. Learning the true history of Hawaii is a sad, and painful experience for each Hawaiian, as we all try to deal calmly, with the results of that illegal overthrow of our Kingdom.

It was never taught, in any school I have ever attended. I can now truely relate to other Hawaiian's that are struggling this very moment, as I sit here and write.

I personally am one of them and I know of many other's worst off than myself. We are being neglected by our "Trustees of this State of Hawaii," misused, abused, evicted off our lands, arrested, embezzled, incarcerated to the highest degree. The State of Hawaii has been more likely to do any of the seven (7) treatments, I have listed above rather, than to adminster our two (2) trusts properly.

Many other people, excluding Native Hawaiian's, have gotten rich with our monies and lands. I have been a "State of Hawaii" welfare receipent for almost fourteen (14) years now. I have three (3) Native Hawaiian children also collecting welfare benefits that we are legally not entitled to. This State of Hawaii would rather give us welfare, than to adminster to us, what is rightfully, legally and morally ours. The State of Hawaii has been suppressing us for twenty-five (25) years.

Pgs. 2

They have purposely ignored our plea's for help and justice. "We cannot get ahead with them." This State of Hawaii has been in "Breach of Trust" to the Native Hawaiians since it became a state in 1959.

I recommend at this time for The Federal Government to take immediate action towards stopping this injustice from continuing, to sue the State of Hawaii for Breach of Trust Sec.2 section 5(f) of the Act of March 18, 1959 (73 stat.4)

I live on the island of Oahu, in a town called the Waianae Coast. The biggest bulk of the Native Hawaiian population live on the Waianae Coast. We have two (2) of the biggest Hawaiian Homesteads in this area. Many other's are renting private home's while waiting to recieve awards to Homesteads. Many have died waiting.

The biggest bulk of welfare checks, Federal Food-Stamps and Medicare aid are mailed out to the Waianae Coast every month. 75% of the Native Hawaiian's are on welfare. 70% of the prison population are Hawaiian's. Most of them serving time for some sort of "Theft."

Many of them don't even realize that they are victims of an even greater theft. Had the Federal Government fulfilled their own Trustee obligations, after turning it over to this State of Hawaii in 1959, our situation would not be in such a severe condition. The Federal Government has an obligation to protect the rights of the Native Hawaiian's.

Please do not misinterpret what I am saying. We can correct everything. I am optimistic of new and existing solutions. Hopefully, with all our energies, and idea's put together, we will come out with the most positive results.

Pgs. 3

I will be truthful of my immediate remedies.
(1) We need money
(2) Education
(3) Guidance and Protection out of this Hellhole

There are more, but these first three (3) are appropriate for the immediate time and purpose.

We are in the process of Educating and organizing a few chosen individuals whose aim is to bring all our energies together into a Protective Council, for the sole purpose of guiding, guarding and defending the rights and the best interest of Native Hawaiians.

We will do freely and willingly to the best of our abilities to watch out for the "betterment of the conditions" of the Native Hawaiians.

Once we have harnessed our resources, legal rights and capabilities, I can then guarantee that the General Public will truely benefit with us.

Please feel free to contact me for anything that I may contribute towards correcting or making better our conditions. I would like to express my sincere gratitude to this committee on their desire to confront and correct this problem.

I would also like to Greatly Emphasize that I myself, and many others are against any changes of the "Blood Quantum.

Aloha & Mahalo Nui Loa

Puanani Kealoha
85-042 Kaupuni St.
Waianae, Oahu
Hawaii 96792

s. 4

32. Maunalaha Valley Community Association Testimony Re: Needs And Concerns Of Maunalaha, Honolulu Native Hawaiians.

MAUNALAHA VALLEY COMMUNITY ASSOCIATION
2357 Maunalaha Road
Honolulu, Hawaii 96822

President of the United States of America
Committee on Energy and Natural Resources of the Senate
Committee on the Interior and Insular Affairs of the House
of Representatives

Aloha:

My name is Wehealani Kauihou Kealoha. I am a Native Hawaiian of 100 percent. I am speaking on behalf of the Native Hawaiians who, unseen by the outside world, live tucked away in a valley called Maunalaha in Makiki-Round Top, on the island of Oahu, Honolulu, Hawaii.

Our people have lived here for more than a hundred years, tending, cultivating and preserving the land in the lifestyle of our forefathers up to the present day.

Through the years, our little community grew, tenaciously holding on to a lifestyle that is ours alone, and enriching our bloodline heritage along the way. We have paid our dues and taxes since the ancient times of our fathers and abided by the old and the new laws.

According to the "Hawaiian Government Survey" of January 9, 1888, letter to His Ex. L. A. Thurston, Minister of the Interior, by W. D. Alexander, Surveyor-General, there were 106 unassigned parcels of lands, 88 on the island of Hawaii, 12 on Molokai, 2 on Lanai, and 4 on Oahu of which we are one.

In Volume I "Land Laws and Relationships" p. 255 under the heading, "The Great Mahele," there is no mention of unassigned lands or whatever happened to the people.

Due to historical circumstances, our lands and our people have been overlooked, neglected and ignored through the days of the Kingdom, the Republic, Territory and now the State. We can no longer afford to be lost in the shuffle again. We have been on these lands before, during and after the Mahele and intend to remain here.

A situation has arisen that we cannot ignore. After all these years, a lease has been thrust upon us which we signed with heavy hearts. We are dissatisfied with it and feel that it is a bad one for us and are deeply concerned that we will not be able to renew the lease. Morally and legally, we deserve more than having to face an uncertain future in which our homes could well be taken from us. We do not intend to let this happen.

The issue here is the right of the common people, the Native Hawaiian. Congress has recognized these rights when these lands were given to them through the Admission Act Section 5(f) and the Hawaiian Homes Commission Act land trusts for Native Hawaiians.

We want the right to remain as we have all these years in a non-alienable position. We realize our circumstance is unique and seek a non-alienable status for our lands and all generations to come.

Respectfully yours,

Wahealani Kaniho Kealoha
Keaho Kulukulualani

33. Marie Kekahililaulani Olsen Testimony Re: Minority Volume II Effort To Change Native Hawaiian Definition

ADDENDUM TO TESTIMONY

Native Hawaiian Study Commission
(April 16, 1984-Honolulu, Hawaii)

TO: US Senate Select Committee on Energy and Natural Resources
US House Committee on Interior and Insular Affairs
US Senate Select Committee on Indian Affairs

ALOHA : Honorable Chairmen and Honorable Members of these respective Committees.

I apologize for this manner of addressing you collectively but our circumstance finanacially allows us no other alternative. Thank you for understanding.

My name is Marie Kekahililaulani Olsen. I am a widow and I am 73 years old. I have been a Nanakuli Hawaiian Homestead lessee since the summer of 1964. My parents were among the early pioneers of this barren, rocky and arid lands, awarded to Native Hawaiians on May 30, 1930. However, through their patient struggle and hardships, today the Nanakuli Homestead Lands is a leisurely-nice and comfortable rural Hawaiian community.

Since 1968 I have been active in our church and community affairs. I was first president of the Nanakuli Hawaiian Homesteaders Association, Inc. and have continued in community actives through the broader Waianae Community. I am chairman of the Waianae Mental Health Advisory Council, originator-member of Hale Ola O'Hoopakolea Project Joint Administrator Committee (see Majority Report page 111) and other

Marie Kekahililaulani Olsen

related human services project. I am Kupuna Advisor to Na Opio Aloha Aina (a youth group of Waianae) and currently chairman of the Native Hawaiian Land Trust Task Forceconsisting of statewide coordinators. This Task Force is concerned with the full implementation of the two land tursts - Hawaiian Homes Commission Act and the Hawaii State Admission Act, section 5 (f). Oddly enough we are not recognized enough to have our inputs accepted.

We see the strong political "thrust" of the NHSC Minority Report toward the "blood quantum" issue - the concerted efforts including the Office of Hawaiian Affairs, the Coalition of Hawaiian Organizations and others of the better educated and well to-do Hawaiians planning our Native Hawaiian future and destiny without consulting us on or for our inputs of the "culture, needs and concerns" of our Native Hawaiian communities. We see this thrust contrary to the Minority's version of "extended kinship system and deep family affection - sense of unity, shared responsibility - mutual interdependence and mutual help, etc.

In 1920 and 1921 the decision to designate 200,000 acres of second rate grazing land, with necessary assistance and the qualifying of the 50% plus Hawaiian blood were made by a fair, genuine concern and just deliberation that took months to finalize. The negligent administering of the Hawaiian Homes Program is certainly no fault of those honest and sympathetic Congressional committee men to the cause of the poor neglected Hawaiians. The errors and the wrongs of the past 60 years will most certainly not be corrected by the single definition being pursued presently.

Mare Kekahilikaulani Olsen

In the 1920 and 1921 US Senate and US House Committee on the the Territories hearings, there were very strong opponents (Caucasian businessmen from Hawaii) to qualifying the one-thirty-second degree Hawaiian blood, because it was hard to distinguish between a one-thirty-second degree Hawaiian and a white man. "The Hawaiian blood is is so readily absorbed that even a one-eight Hawaiian blood cannot cannot be distinguished from a white man in 99 cases out of a hundred." These were stated arguments by Caucasians from Hawaii not Hawaiians. But the decision was based on the more needy who were unfairly treated at the 1848 land division.

The Minority Report, Volume 11, states (page 153) "....the qualification (the 50 percent quantum) has proved to be a factor in dividing the Hawaiian community: mothers and fathers from their children, cousins from cousins and friends from friends...." This is also supported by the Office of Hawaiian Affairs. (see article attached)

I have never heard of such absurdities in all my life and experiences in my community and for that matter wherever I am at. I have never heard of such divisions in our homestead communities. Many of our homestead lessees' spouses are non-Hawaiians and have lived on these homestead lands a good part of their life and we have not heard of any such divisions, prejudice or even discremination.

The Waianae Coast community apportioned into 5 distinct census tracts, in 1980, totalled our population to 30, 986; of this figure 11,382 were Hawaiians. This is the largest Hawaiian community in the State of Hawaii. Nanakuli Hawaiian homestead has the largest number of beneficiary residents of all the homesteads in the state. In all my experiences throughout my life and in and through my experiences in our own community of Waianae I have never heard about the divisions that is recorded in the NHSC Minority Report, Volume 11.

The Office of Hawaiian Affairs also notes this very clearly, but their concept may be a little closer to the truth in their pursuit of the single definition as they have publicly stated in a news article which appeared in the Honolulu Star Bulletin, on November 3, 1983, under the headline "Congress asked to redefine "Hawaiian".

> "....by deciding on a simple definition without reference to blood would free the Office of Hawaiian Affairs from administrative and fiscal constraints that have hampered the agency since its creation 5 years ago....."

Nevertheless, I and my associates of the Native Hawaiian Land Trust Task Force, on behalf of those we represent in our individual Native Hawaiian communities, statewide,, being very well aware of what is happening around and about us, take this opportunity to strongly urge and forthrightly recommend that, YOU, our Country's law-making body, carefully and justly consider the merits of our submittance and requests that are enclosed.

We strongly request that the term "Native Hawaiian" as defined in the Hawaiian Homes Commission Act, 1920, as amended, be retained as it was enacted into law, by the United States sixty-seventh Congress, July 9, 1921.

Your compliance with our request will be greatly appreciated.

MAHALO A NUI LOA

Mary Kekahuikaulani Chun

Saturday, November 5, 1983 Honolulu Star-Bulletin A-3

Congress Asked to Redefine 'Hawaiians'

By Stu Glauberman
Star-Bulletin Writer

The Office of Hawaiian Affairs is asking Congress to remove one of the biggest obstacles to Hawaiian unity by redefining the term "native Hawaiian" in federal law.

The OHA trustees voted at a board meeting yesterday to urge Congress to adopt a single definition of the term native Hawaiian without reference to a specific blood quantum so that individuals with as little as a drop of Hawaiian blood can benefit from OHA and Hawaiian Homes Commission programs.

They want Congress to accept the recommendation of the Native Hawaiians Study Commission's minority report, which suggested that a native Hawaiian be defined as "any individual whose ancestors were natives of the area that constituted the Hawaiian Islands prior to 1778."

By deciding upon a single, simple definition, without reference to blood quantum, Congress would free the OHA board from administrative and fiscal constraints that have hampered the agency since its creation five years ago.

Moreover, board members noted in their resolution that blood-quantum restrictions on eligibility for homesteads and other benefits have divided Hawaiian families and Hawaiian communities for more than 60 years.

OHA'S MANDATE from the state Legislature is to administer programs for all Hawaiians, and at the same time, it is responsible for managing income from a ceded lands trust that only can be applied to Hawaiians with 50 percent or more blood quantum.

The 50 percent restriction stems from the Hawaiian Homes Commission Act passed by Congress in 1920. Prince Jonah Kuhio, Hawaii's non-voting delegate, had urged lawmakers not to restrict Hawaiian homestead privileges to those Hawaiians with a specific blood quantum, or if need be, to choose a quantum level as low as one thirty-second.

In 1974, Congress adopted a second conflicting definition by amending the Native American Program Act to include native Hawaiians, with eligibility based on "a showing" of Hawaiian ancestry traced back to 1778.

The state Legislature already has asked Congress to lower the

U.S. Secretary of Interior James

50 percent quantum restriction in the Hawaiian Homes Act and by reference in the Hawaii Admission Act to 25 percent, so that children with less than 50 percent can qualify as successors to homestead leases.

OHA opposes the lower quantum level, which would continue to divide Hawaiian families.

ACCORDING to OHA, the number of native Hawaiians with at least 50 percent quantum was estimated at 43,466 in 1981, while Hawaiians with less than 50 percent quantum, numbered 129,322.

If the quantum requirement is dropped, trustees say those beneficiaries already on the Department of Hawaiian Home Lands' waiting list would be given homesteads before those with less than 50 percent quantum are added to the list.

Upon adoption of the no-quantum amendment, children of current lessees would qualify to succeed their parents as lessees.

A related resolution adopted yesterday asks Congress to include native Hawaiians in all definitions of "native Americans" to broaden their eligibility under federal programs.

The board also adopted resolutions asking Congress to review the state's progress in implementing the recommendations of the Federal-State Task Force on the Hawaiian Homes Commission and to establish a joint ceded lands commission to review the status and need for federally controlled lands in Hawaii.

THE Federal-State Task Force submitted its recommendations to Gov. George Ariyoshi and then

Watt in August.

A fifth resolution called upon Congress to "acknowledge the illegal and immoral actions of the United States in the overthrow of the Kingdom of Hawaii in 1893 and to indicate its commitment to grant restitution for the losses and damages suffered by native Hawaiians as a result of those wrongful actions."

The resolution supports the recommendations contained in the report of the Hawaii members of the Native Hawaiians Study Commission presented to Congress in June.

A Senate committee on energy and natural resources and a House committee on interior and insular affairs have agreed to conduct hearings on the two-volume report on reparations and social needs.

Mare Kekahilikaulani Olsen

34. Winoma A. Freitas Testimony Re: Native Hawaiian Study Commission Treatment Of Hawaiian Homestead Issues With Recommendations.

Honorable U.S. Senator Spark Matsunaga, Chairman and members of the Energy and Natural Resources Committee.

My name is Winona A. Freitas. I am a native Hawaiian of 50 percent Hawaiian blood and I live on the Hawaiian homestead of Papakolea, Oahu. I have been active in the affairs of the Hawaiian Homes Commission Act since 1968, and I am speaking on behalf of the members of the Papakolea Community Association which is comprised of homesteaders of Papakolea and Kewalo. For the record, Papakolea is a name given by the first Hawaiian settlers who lived on lands designated in the Hawaiian Homes Commission Act as Auwaiolimu.

My testimony is divided into two parts. Part I, addresses the Native Hawaiian Study Commission Report, Vol I, Part II, Review of Hawaiian Homes Commission Programs in reference to the Report of the Federal-State Task Force on the Hawaiian Homes Commission Act. Part II addresses the Native Hawaiian Study Commission Report, Vol II, Part III, dealing with comments and recommendations affecting the beneficiaries of the Hawaiian Homes Commission Act, 1920.

Part I. The report of the Federal-State Task Force, although a well-written document, failed to include testimony or concerns of the native Hawaiian which were made at their hearings in May 1983. We would like these "initiatives" be known for your consideration and congressional recording.

a. The Hawaiian Homes Commission Act requires 50 percent Hawaiian blood quantum for lessees, as well as successors. Presently, there is a great concern about eviction of non-qualifying spouse and/or children of deceased lessees. The State of Hawaii, in responding to the concern in 1982, passed a bill to ask Congress to lower the blood quantum for successors to one-fourth

Hawaiian. Our association, at that time, requested a moratorium on evictions of non-qualifying successors. The Federal-State Task Force, in its report, recommended Congressional approval as soon as possible. We do not feel this is a permanent solution.

RECOMMENDATION: We request that the only action Congress take is to declare a moratorium and direct the Hawaiian Homes Commissioners to meet with its beneficiaries to determine a viable solution.

b. Another concern of homesteaders, is the 99-year lease law of the Hawaiian Homes Commission Act. We asked the Federal-State Task Force to consider a lifetime lease so long as there are successors to the original lessee. The Federal-State Task Force did not take any action on this subject.

RECOMMENDATION: We would like Congress to favor a change to this law for the simple reason that it is in line with the American homesteading program and the kuleana (right, property, claim) land concept of the Hawaiian culture.

c. We raised the question of breach of trust in the useage of the 30 percent state sugar receipts which was established by Congress in 1920 as the major funding source for the purposes of development and loan projects under the Hawaiian Homes Commission Act. Between 1965 and 1976, of $5 million transferred to the Department of Hawaiian Homes Lands by the State, only $1.4 million was actually used for the purposes of the Hawaiian Homes Commission Act. $3.6 million was diverted to the State Department of Education. Between 1976 and 1978, no funds from the sugar receipts were provided by the State, in spite of the fact that the applicant list for awards was well over 4,000. Finally, in 1978, the State Constitutional Convention established the 30 percent state sugar receipts as a permanent funding source for the Department. While enhancing the Hawaiian program on one hand, it hindered the speedy settlement of applicant awards on the other. It created another diversion of the funds by establishing a new fund called the Native Hawaiian Rehabilitation Fund; a program solely for educational, economical, political, social and cultural purposes. A program duplicated by the Office of Hawaiian Affairs and Alu Like. Thousands of dollars are now wasted on individual grants for business, educational, and cultural programs while homesteaders are in dire need of funds for emergency replacement homes. In the last quarter, Oct-Dec 1983, $49,775 was released; the price of a replacement home for a family presently living under unsafe and/or unsanitary conditions.

RECOMMENDATION: We request your committee examine the deliberate manipulation of the sugar receipt funds and take corrective action to divert the flow of the funds back to the original purposes of the Act which is development and home/farm loans.

d. Finally, with the exception of paragraph b above, we support Federal-State Task Force member Kamuela Price's dissent on the recommendations that the United States Congress be requested to change or modify the Hawaiian Homes Commission Act at this time. We, too, fear that "Congress might inadvertently or otherwise abort the Hawaiian Homes Commission Act or change it in a manner detrimental to the best interests of the beneficiaries". We also agree with him that no new land exchanges which were being considered by the Hawaiian Homes Commission since 1980 be approved based on reasons provided in the Task Force report.

RECOMMENDATION: We ask that Congress take no action on changes or amendments to the Hawaiian Homes Commission Act and that land exchanges, dating back to 1980, not be acted upon at this time.

Part II. Vol II of the Native Hawaiian Study Commission report makes recommendations that are detrimental to the beneficiaries of the Hawaiian Homes Commission Act. We oppose the recommendation to sell the Hawaiian Home Lands in fee simple; there are still thousands of applicants who have not yet gained their rightful share of these lands. We also strongly oppose the recommendation to determine a single definition of the Native Hawaiian. It is not a matter of blood quantum, but a matter of land. Land that was given to the Hawaiians by Congress in 1920 in recognition of their right to these lands. The right of the common people. Some oppose it because they feel Congress had no right to impose a blood quantum requirement. We thank Congress for it. It became the most powerful land document in the history of Hawaii. Although the lands given were considered opala (rubbish) and the funding inadequate, time has made these lands today, very valuable and desirable by others. We want what is rightfully ours. No more and no less. The lessees have proven the worthiness of the homestead awards.

RECOMMENDATION: We ask that Congress not take any action on these two recommendations. We ask that the definition of the Native Hawaiian defined in the Hawaiian Homes Commission Act remain in tact. We are weary of others making decisions for us for it has not been to our benefit. We believe that it is time that the administrators of the Act and the 5f trust concentrate on fulfilling the requirements of these trusts rather than looking for ways that does not benefit the people.

In closing, I would like to point out that we prepared our testimony without the expertise and resources being provided in this arena today. But we are those who will be affected and we want you to know how we feel. We pray that God will grant you the humility to use wisdom in deciding the fate of of the beneficiaries of the Hawaiian Homes Commission Act.

Mahalo.

Winona A. Freitas
WINONA A. FREITAS
Papakolea Community Association
Oahu, Hawaii
April 16, 1984

HOU HAWAIIANS

A TRIBAL OHANA DEDICATED TO THE SURVIVAL OF THE HAWAIIAN PEOPLE

P.O. Box 1067
Kaneohe, HI 96744
(808) 638-9134

May 23, 1984

STATEMENT OF KAMUELA PRICE, HOU HAWAIIANS ADVISORY COUNCIL, ON THE ISSUE OF HAWAIIAN NATIVE CLAIMS

I, Kamuela Price, a member of the Advisory Council to the Hou Hawaiians, present this statement as a supplement to the statement previously submitted by the Hou's Chief, Maui Loa.

The Hou's greatest concern in the matter of Hawaiian native claims is that the United States take no action that will cancel, weaken or otherwise impair the rights of the living native Hawaiians that our government in its goodness and wisdom has already extended. The native Hawaiians' rights are clearly set forth in the Hawaiian homestead and 5(f) provisions of the 1959 Hawaii Admission Act, in the 1921 Hawaiian Homes Commission Act (the "HHCA") which the U.S. is required to enforce and supervise as a trustee (as set forth in the Report of the Federal-State Task Force on the Hawaiian Homes Commission Act) and in Native American legislation applying to the native Hawaiians (like the Native American Freedom of Religion Act).

It is the opinion of the Hou and our legal counsel that the stipulations and agreements concerning the native Hawaiians found in the Hawaii Admission Act are a federal law, a solemn federal-state compact, and a condition of Hawaii's statehood. These provisions thus constitute the strongest possible treaty that could exist between the United States and the indigenous people of Hawaii. Should the Congress modify or change the aforesaid stipulations and agreements concerning the native Hawaiians that are provided in the statehood compact, the sincerity of all such future and past arrangements entered into by the United States would become suspect.

In this statement the Hou offer a specific plan which would provide restitution or reparations to the living native Hawaiians, their descendants, and the living Alii (royal) leadership without making any change at all in the Hawaiian homestead and 5(f) provisions of the Admission Act or in the HHCA. This plan would fully implement and then build upon the two great restitionary laws for the native Hawaiians that Congress has already enacted, the HHCA and the Admission Act. It would permit the United States government to enforce and supervise the Hawaiian homestead and 5(f) land trust programs with a bare minimum of federal resources.

The key to the Hou's plan is that the Department of the Interior and the State of Hawaii agree in negotiations to the development of a portion of the one million, six hundred thousand acres of ceded 5(f) lands being held in trust by the State of Hawaii for the benefit of native Hawaiians and the general public.

Using this portion of the ceded 5(f) lands as collateral, the State could raise one billion dollars through a bond issue. Six hundred million dollars of this amount could be utilized to place the 8,000 native Hawaiians now on the Hawaiian homestead waiting list on their land (the Inspector General of the Department of the Interior has determined that 600 million dollars is the amount needed for this purpose). The remaining 400 million dollars could be used to develop the ceded 5(f) lands, and the revenues derived could be used to repay the bond holders, to fund other programs for the native Hawaiians and the general public, and to provide restitution to Alii claimants and descendants proving they were damaged by the 1893 overthrow of Queen Liliuokalani.

The expertise of the Bishop Estate and Hawaii's other land developers could be utilized to ensure the success of the project. The federal government could provide technical assistance to the project, which is surely a preferable alternative to the federal government having to commence litigation with the State of Hawaii to require Hawaii to fully implement the Hawaiian homestead program (see the Report of the Federal-State Task Force on the Hawaiian Homes Commission Act).

The development of a portion of the ceded 5(f) land trust by the State of Hawaii is a pragmatic solution to Hawaiian native claims for a number of additional reasons:

1. The development of a portion of the ceded 5(f) lands would not cost the federal or state government anything since the necessary capitalization would be raised through a bond issue.

2. This approach would not necessitate the reopening of old wounds by placing the blame on the United States for events happening way back in 1893.
3. The revenues derived would be available to fully implement the recommendations of the Department of the Interior's Inspector General and the Federal-State Task Force on Hawaiian Homes Commission Act, in the time frame specified by the Task Force.
4. In addition, these revenues would provide considerable funding for such Hawaiian service organizations as Alu Like and the Office of Hawaiian Affairs.
5. A portion of the revenues would also be set aside to provide restitution to Alii claimants or descendants who could prove in court that they were in fact damaged by Queen Liliuokalani's overthrow.
6. The development of certain of the ceded 5(f) lands would help the Hawaiian Islands' economy remain healthy for many years to come.

Everything considered, all elements of the native Hawaiian community would benefit if the Hou plan were put into effect. This would include the living native Hawaiians on the homestead waiting list, the Alii claimants and descendants, the Bishop Estate and other developers, and the general public whose members are also beneficiaries of the ceded 5(f) land trust. Our plan is very much in keeping with the present Administration's policy of the public and private sectors' working together to resolve social and economic problems.

The Hou beseech this Committee and the Congress to study this approach to the long desired settlement of the native Hawaiians' land claims. Mahalo (thank you).

Kamuela Price

KAMUELA PRICE
Hou Hawaiians Advisory Council

HOU HAWAIIANS

A TRIBAL OHANA DEDICATED TO THE SURVIVAL OF THE HAWAIIAN PEOPLE

P.O. Box 1067
Kaneohe, HI 96744

May 16, 1984

Hon. James McClure
Chairman, Committee on Energy
and Natural Resources
U.S. Senate
Washington, D.C. 20510

Aloha Mr. Chairman:

I respectfully request that this letter and my enclosed statement be printed in the record of your Committee's hearings on the matter of Hawaiian native claims. It is important that your Committee have the input of the Hou Hawaiians, whom I serve as Chief, because our self-determined, federally recognized, native Hawaiian tribal 'ohana' has led the efforts over the past decade of educating the public on native Hawaiian land rights and of advocating and representing the interests of the approximately 8,000 native Hawaiian applicants for Hawaiian homestead lands in Hawaii before courts, legislatures and administrative agencies.

In the Hawaiian language, Hou means "new" or "reborn"; literally we are the Hawaiian tribe that came back.

We believe that for your Committee to reach the proper decision on Hawaiian native claims, you should have our position on this matter, which includes both the rationale behind our thinking on native claims as well as the ancestral history of the Hou.

Mahalo (thank you) for your consideration.

Sincerely,

Maui Loa

Maui Loa
Chief, Hou Hawaiians

Enclosure

STATEMENT OF MAUI LOA, HEREDITARY CHIEF OF THE HOU HAWAIIANS, ON THE ISSUE OF HAWAIIAN NATIVE CLAIMS

Many historians are of the view that the abdication of Hawaii's Queen Liliuokalani ended a line of little more than puppet kings and queens. In spite of Queen Liliuokalani's public proclamation in 1893 that she surrendered to avoid bloodshed, one might reasonably conclude that the natives chose not to resist what they could have interpreted as liberation from a European feudalist-type monarchy.

Basis for Restitution to the Living Natives

Be that as it may, when interpreting these tumultuous events, all must agree that both a moral and legal basis exist for restitution to the living native Hawaiians, and preferably through a government-sponsored settlement of the natives' claims. Unquestionably, innocent victims of radical social change -- the aboriginal people of Hawaii -- were illegally deprived of their property rights. Under ideal circumstances, these people should be entitled to some form of restitution or reparations. Unfortunately, given the great lapse of time and the enormous cost of prospective court action, a claims settlement must begin with a determination of exactly who is entitled to restitution. Such a determination, however, will be incredibly difficult at this late date, more than 90 years after the overthrow; indeed, it may be impossible.

In the event these obstacles could be overcome, the Hou urge the United States Government to make a modest separate settlement with our 'ohana' in the form of land and/or Treasury credits.

This would be predicated on the settlements reached with the various Alaskan tribal villages.

The Hou submit that our entitlement to restitution or reparations springs from two distinct sources:

1. Our 'ohana' (tribal family) descends directly from the traditional Hawaiian lines that King Kamehameha cohabitated with in order to make his chiefdom acceptable to the native Hawaiian people. In fact, the last King of Hawaii, King David Kalakaua, was my great-great-grandfather, and Queen Liliuokalani was my great-great-great-aunt. Since our 'ohana' consists of those native Hawaiians with 50 percent aboriginal blood or more, our people are of the senior line of Alii (royal) descendants. Obviously, those of the blood are most entitled to the benefits of restitution or reparations.

2. There are still stronger reasons for the United States Government to grant our particular 'ohana' restitution. Irreparable harm has been done to our native people by the United States' failure for decades to enforce the 1921 Hawaiian Homes Commission Act and, more recently, the Hawaiian homestead and 5(f) provisions of the Hawaii Admission Act. Realizing these provisions are a condition of statehood itself, one can appreciate the seriousness of this entire matter. The Hou has carried the costly, time-consuming burden over the past decade of seeking proper implementation and enforcement of the Hawaiian homestead program, a program that has been essentially "a dead letter" since it was enacted by Congress in 1921 and reconfirmed in the 1959 Admission Act. The Hou's efforts have consisted of court and administrative action, legislation,

and public education seeking prompt distribution of Hawaiian homesteads to the approximately 8,000 native Hawaiians currently on the waiting list.

The Hou respectfully submit that the United States should live up to its trust responsibilities towards Hawaii's aboriginal people as set forth in the Admission Act and the Hawaiian Homes Commission Act, whether or not the United States inadvertently or otherwise was involved in the overthrow of Queen Liliuokalani. These two Acts were the first two acts of restitution to the native Hawaiian people.

The Hou are grateful for the protective umbrella that the United States provides its aboriginal Native American (Indian), Alaska Native and native Hawaiian citizens. Please do not separate our birth rights from those of our Indian brothers and sisters. Keep in mind that prior to European contact, the native Hawaiians had a chief and an elder council structured almost exactly like the above mentioned tribal entities, who administered their lands for the common good of the indigenous people. The humanitarian policies of our great nation entitle us to the same considerations, including rights, privileges and benefits, that all the aboriginal people of the United States of America receive.

Geneology

As hereditary Chief of the Hou, I also wish to include a brief resume of the geneology of my 'ohana', so that there will never be any doubt regarding the legitimacy of the Hou claim from the viewpoint of either blood quantum or Alii-ship.

In considering native geneology, one must realize that prior to 1900 most pure-blooded native Hawaiians kept track of their geneology by utilizing the age old oral custom. There was one major exception of course -- the foreigners who the record indicates generally married into the Hawaiian race only once. To strengthen the foreigners' land claims, they usually documented family records in writing Western-style. In their enthusiasm to possess and use our lands for their exclusive benefit, it was not uncommon for Westerners to alter or destory the real records. The only real clue to who the genuine Alii may be are the names carried by the living families of the blood.

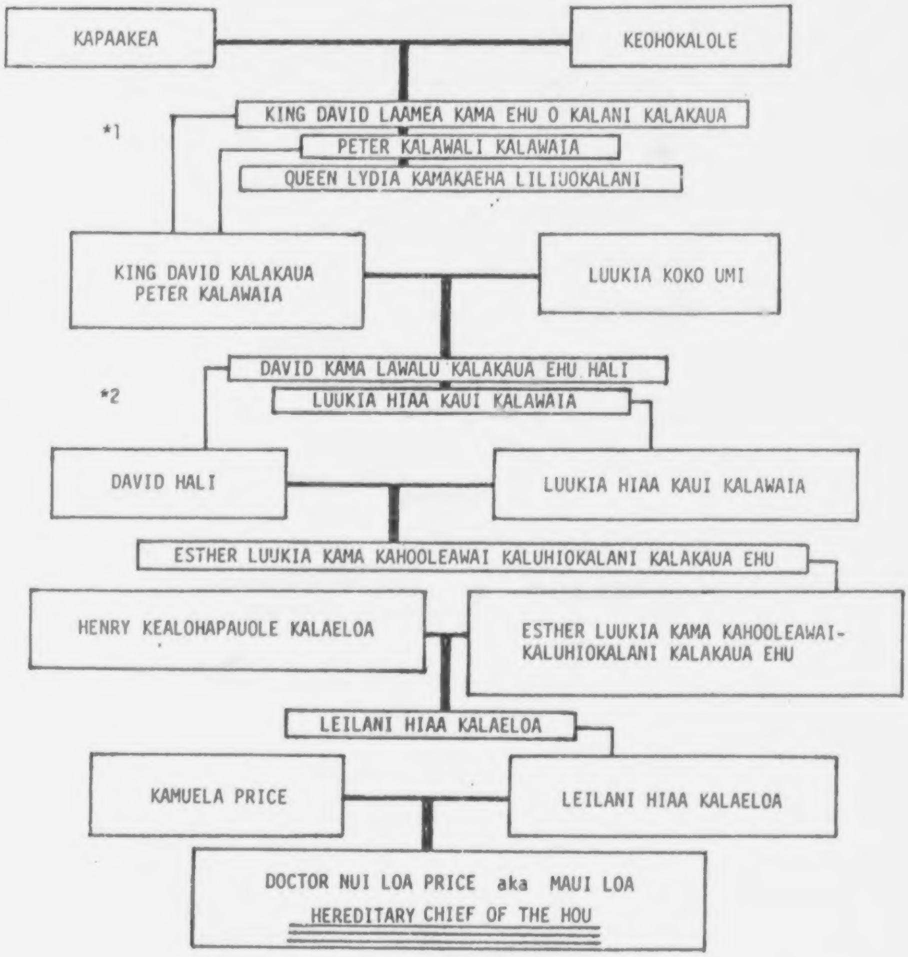
Taken from the bureau of statistics, archives and church records are the family names of my immediate 'ohana'. (See the attached chart entitled "Maui Loa Geneology," which I hereby incorporate in this statement.) These names can be traced back to the beginning of Hawaiian time. There is not an Alii claimant who does not carry these names. It does not make sense that in any reparations settlement the full-blooded native Hawaiians, like my mother, would not receive a fair share. She is the great-granddaughter of Hawaii's last King, David Kalakaua, who entered into a treaty with the United States and who sought to protect the native Hawaiians' land rights. She is among the last full-blooded Hawaiians on the face of the earth. These people number less than 300 souls. Something must be done quickly, or there will not be any of the people of pure blood left in whose name all present native Hawaiian claims are made.

5/16/84
Date

Maui Loa
MAUI LOA, Chief
Hou Hawaiians

MAUI LOA GENEOLOGY

DIRECTLY BACK TO KING KALAKAUA AND QUEEN LILIUOKALANI


KAPAAKEA
KEOHOKALOLE
*1
KING DAVID LAAMEA KAMA EHU O KALANI KALAKAUA
PETER KALAWALI KALAWAIA
QUEEN LYDIA KAMAKAEHA LILIUOKALANI
KING DAVID KALAKAUA
PETER KALAWAIA
LUUKIA KOKO UMI
DAVID KAMA LAWALU KALAKAUA EHU HALI
*2
LUUKIA HIAA KAUI KALAWAIA
DAVID HALI
LUUKIA HIAA KAUI KALAWAIA
ESTHER LUUKIA KAMA KAHOOLEAWAI KALUHIOKALANI KALAKAUA EHU
HENRY KEALOHAPAUOLE KALAELOA
ESTHER LUUKIA KAMA KAHOOLEAWAI-KALUHIOKALANI KALAKAUA EHU
LEILANI HIAA KALAELOA
KAMUELA PRICE
LEILANI HIAA KALAELOA
DOCTOR NUI LOA PRICE aka MAUI LOA
HEREDITARY CHIEF OF THE HOU

SPECIAL NOTATIONS

*1 King David Laamea Kama Ehu O Kalani Kalakaua and Peter Kalawali Kalawaia were half brothers.

*2 David Kama Lawalu Kalakaua Ehu Hali married his sister Luukia Hiaa Kaui Kalawaia who gave birth to Maui Loa's grandmother Luukia at Kalaupapa Molokai in 1896.

Documented by: Latter Day Saints Church
Evangelistic Church
Honolulu Archives
Department of Natural Statistics

HOU HAWAIIANS

A TRIBAL OHANA DEDICATED TO THE SURVIVAL OF THE HAWAIIAN PEOPLE

P.O. Box 1067
Kaneohe, HI 96744

May 16, 1984

Hon. James McClure
Chairman, Committee on Energy
and Natural Resources
U.S. Senate
Washington, D.C. 20510

Aloha Mr. Chairman:

I respectfully request that this letter and my enclosed statement be printed in the record of your Committee's hearings on the matter of Hawaiian native claims. It is important that your Committee have the input of the Hou Hawaiians, whom I serve as Chief, because our self-determined, federally recognized, native Hawaiian tribal 'ohana' has led the efforts over the past decade of educating the public on native Hawaiian land rights and of advocating and representing the interests of the approximately 8,000 native Hawaiian applicants for Hawaiian homestead lands in Hawaii before courts, legislatures and administrative agencies.

In the Hawaiian language, Hou means "new" or "reborn"; literally we are the Hawaiian tribe that came back.

We believe that for your Committee to reach the proper decision on Hawaiian native claims, you should have our position on this matter, which includes both the rationale behind our thinking on native claims as well as the ancestral history of the Hou.

Mahalo (thank you) for your consideration.

Sincerely,

Maui Loa

Maui Loa
Chief, Hou Hawaiians

Enclosure

STATEMENT OF MAUI LOA, HEREDITARY CHIEF OF THE HOU HAWAIIANS, ON THE ISSUE OF HAWAIIAN NATIVE CLAIMS

Many historians are of the view that the abdication of Hawaii's Queen Liliuokalani ended a line of little more than puppet kings and queens. In spite of Queen Liliuokalani's public proclamation in 1893 that she surrendered to avoid bloodshed, one might reasonably conclude that the natives chose not to resist what they could have interpreted as liberation from a European feudalist-type monarchy.

Basis for Restitution to the Living Natives

Be that as it may, when interpreting these tumultuous events, all must agree that both a moral and legal basis exist for restitution to the living native Hawaiians, and preferably through a government-sponsored settlement of the natives' claims. Unquestionably, innocent victims of radical social change -- the aboriginal people of Hawaii -- were illegally deprived of their property rights. Under ideal circumstances, these people should be entitled to some form of restitution or reparations. Unfortunately, given the great lapse of time and the enormous cost of prospective court action, a claims settlement must begin with a determination of exactly who is entitled to restitution. Such a determination, however, will be incredibly difficult at this late date, more than 90 years after the overthrow; indeed, it may be impossible.

In the event these obstacles could be overcome, the Hou urge the United States Government to make a modest separate settlement with our 'ohana' in the form of land and/or Treasury credits.

This would be predicated on the settlements reached with the various Alaskan tribal villages.

The Hou submit that our entitlement to restitution or reparations springs from two distinct sources:

1. Our 'ohana' (tribal family) descends directly from the traditional Hawaiian lines that King Kamehameha cohabitated with in order to make his chiefdom acceptable to the native Hawaiian people. In fact, the last King of Hawaii, King David Kalakaua, was my great-great-grandfather, and Queen Liliuokalani was my great-great-great-aunt. Since our 'ohana' consists of those native Hawaiians with 50 percent aboriginal blood or more, our people are of the senior line of Alii (royal) descendants. Obviously, those of the blood are most entitled to the benefits of restitution or reparations.

2. There are still stronger reasons for the United States Government to grant our particular 'ohana' restitution. Irreparable harm has been done to our native people by the United States' failure for decades to enforce the 1921 Hawaiian Homes Commission Act and, more recently, the Hawaiian homestead and 5(f) provisions of the Hawaii Admission Act. Realizing these provisions are a condition of statehood itself, one can appreciate the seriousness of this entire matter. The Hou has carried the costly, time-consuming burden over the past decade of seeking proper implementation and enforcement of the Hawaiian homestead program, a program that has been essentially "a dead letter" since it was enacted by Congress in 1921 and reconfirmed in the 1959 Admission Act. The Hou's efforts have consisted of court and administrative action, legislation,

and public education seeking prompt distribution of Hawaiian homesteads to the approximately 8,000 native Hawaiians currently on the waiting list.

The Hou respectfully submit that the United States should live up to its trust responsibilities towards Hawaii's aboriginal people as set forth in the Admission Act and the Hawaiian Homes Commission Act, whether or not the United States inadvertently or otherwise was involved in the overthrow of Queen Liliuokalani. These two Acts were the first two acts of restitution to the native Hawaiian people.

The Hou are grateful for the protective umbrella that the United States provides its aboriginal Native American (Indian), Alaska Native and native Hawaiian citizens. Please do not separate our birth rights from those of our Indian brothers and sisters. Keep in mind that prior to European contact, the native Hawaiians had a chief and an elder council structured almost exactly like the above mentioned tribal entities, who administered their lands for the common good of the indigenous people. The humanitarian policies of our great nation entitle us to the same considerations, including rights, privileges and benefits, that all the aboriginal people of the United States of America receive.

Geneology

As hereditary Chief of the Hou, I also wish to include a brief resume of the geneology of my 'ohana', so that there will never be any doubt regarding the legitimacy of the Hou claim from the viewpoint of either blood quantum or Alii-ship.

In considering native geneology, one must realize that prior to 1900 most pure-blooded native Hawaiians kept track of their geneology by utilizing the age old oral custom. There was one major exception of course -- the foreigners who the record indicates generally married into the Hawaiian race only once. To strengthen the foreigners' land claims, they usually documented family records in writing Western-style. In their enthusiasm to possess and use our lands for their exclusive benefit, it was not uncommon for Westerners to alter or destory the real records. The only real clue to who the genuine Alii may be are the names carried by the living families of the blood.

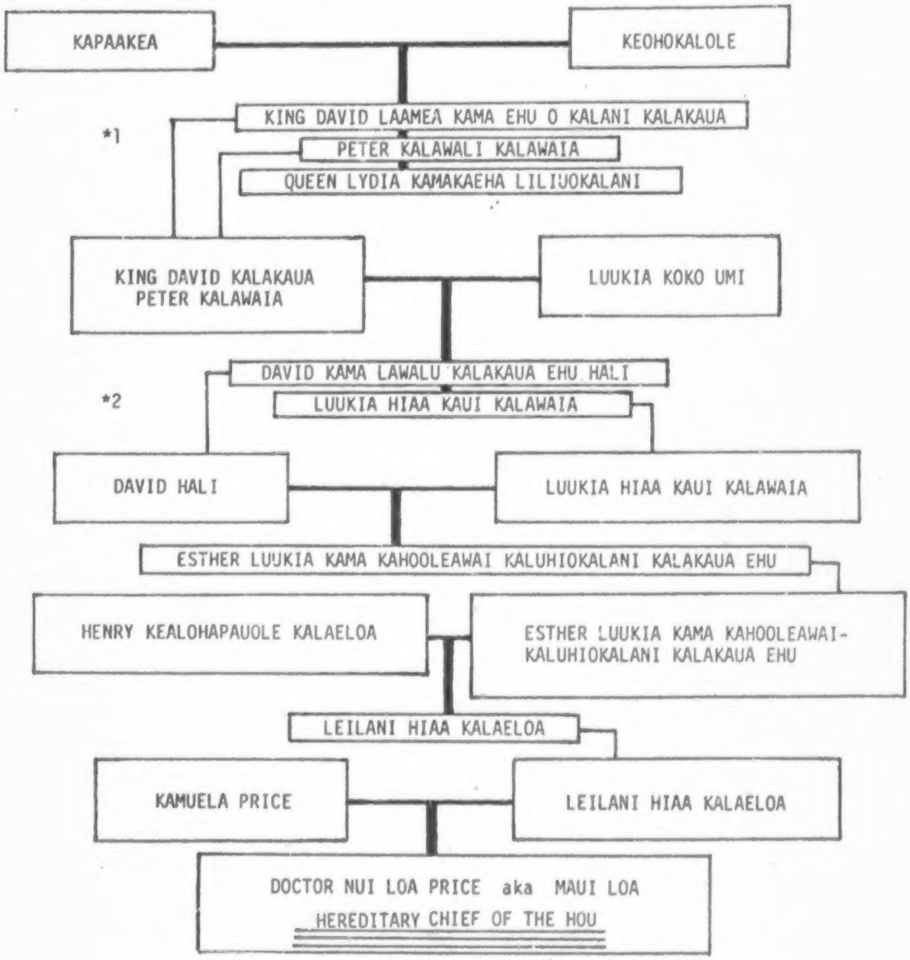
Taken from the bureau of statistics, archives and church records are the family names of my immediate 'ohana'. (See the attached chart entitled "Maui Loa Geneology," which I hereby incorporate in this statement.) These names can be traced back to the beginning of Hawaiian time. There is not an Alii claimant who does not carry these names. It does not make sense that in any reparations settlement the full-blooded native Hawaiians, like my mother, would not receive a fair share. She is the great-granddaughter of Hawaii's last King, David Kalakaua, who entered into a treaty with the United States and who sought to protect the native Hawaiians' land rights. She is among the last full-blooded Hawaiians on the face of the earth. These people number less than 300 souls. Something must be done quickly, or there will not be any of the people of pure blood left in whose name all present native Hawaiian claims are made.

5/16/84
Date

Maui Loa
MAUI LOA, Chief
Hou Hawaiians

MAUI LOA GENEOLOGY

DIRECTLY BACK TO KING KALAKAUA AND QUEEN LILIUOKALANI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PETER KALAWAIA
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ESTHER LUUKIA KAMA KAHOOLEAWAI-KALUHIOKALANI KALAKAUA EHU
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DOCTOR NUI LOA PRICE aka MAUI LOA
HEREDITARY CHIEF OF THE HOU

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Documented by: Latter Day Saints Church
Evangelistic Church
Honolulu Archives
Department of Natural Statistics

Official Committee

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4291

PATSY T. MINK
CHAIR & PRESIDING OFFICER
TORAKI MATSUMOTO
VICE-CHAIR
GEORGE AKAHANE
MAJORITY FLOOR LEADER
TONY NARVAES
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LEIGH-WAI DOO
WELCOME S. FAWCETT
DAVID W. KAHANU
RUDY PACARRO

RAYMOND K. PUA
CITY CLERK

Jim

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
APR 30 1984
[illegible]
WASHINGTON, D.C. 20510

April 25, 1984

The Honorable James McClure
Chairperson, Committee on Energy
and Natural Resources
United States Senate
361 Senate Dirksen Office Bldg.
Constitution Avenue, between
1st Street and 2nd Street, NE
Washington, D. C. 20510

Dear Senator McClure:

Enclosed for your information is a copy of Council Resolution No. 84-100, introduced by Council Chair Patsy T. Mink, urging the United States Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House to formally reject enumerated sections of the Final Report of the Native Hawaiians Study Commission, Volume I.

This Resolution was adopted by the Council of the City and County of Honolulu at its meeting held on April 18, 1984.

Sincerely and Aloha,

CITY COUNCIL

Raymond K Pua

By
RAYMOND K. PUA
City Clerk

rmp

Enclosure

RESOLUTION

A RESOLUTION RESPECTFULLY URGING THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE UNITED STATES HOUSE TO FORMALLY REJECT ENUMERATED SECTIONS OF THE FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION, VOLUME I.

WHEREAS, the Council of the City and County of Honolulu has a deep and abiding commitment to the enhancement and protection of the rights and interests of all its citizens; and

WHEREAS, this commitment can and, appropriately should extend to an examination of other governmental documents and studies which impact on the well-being of our community and to their needs; and

WHEREAS, the Final Report, dated June 23, 1983 of the Native Hawaiians Study Commission, a Congressionally-mandated inquiry (P.L. 96-565, "Title III") to "study the culture, needs and concerns of Native Hawaiians" to provide guidance on possible federal responses in identified areas affecting the rights and interests of our citizens; and

WHEREAS, Volume I of this Final Report contains many errors and inaccuracies which are specifically reflected in Volume II; and

WHEREAS, unless these errors and inaccuracies are refuted and formally rejected it will do harm and injustice to the people of the State of Hawai'i; and

WHEREAS, Volume II offered specific point by point refutation in the following areas:

(1) "Approach and Methodology," pages 1-8;

(2) "Conclusions and Recommendations," pages 21-32;

(3) "Ancient History to Reciprocity," pages 147-172;

(4) "Land Laws and Land Relationships," pages 251-264;

(5) "Diplomatic and Congressional History: From Monarchy to Statehood," pages 265-332;

(6) "Existing Law, Native Hawaiians, and Compensation," pages 333-370; and

(7) "Review of Hawaiian Homes Commission Programs," pages 371-418.

RESOLUTION

WHEREAS, the Council of the City and County of Honolulu shares the concerns raised in Volume II of this report and notes that Volume I contains a fundamental misinterpretation of the history of Hawai'i, misapplies American Indian Law to the Native Hawaiian experience, forces legal analyses which jeopardizes the whole body of claims and settlement precedents and thereby denies justice to the Hawaiian people; and

WHEREAS, such errors and their use as the basis for findings, conclusions, and recommendations to the Congress of the United States of America must not be permitted to stand unchallenged and uncorrected in national records and as the source for possible future determinations of fact or action by the national government; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU that it respectfully urges the United States Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House to formally reject those portions of the Final Report of the Native Hawaiians Study Commission, Volume I, enumerated in the body of this document, including the entirety of the conclusions and recommendations included in that volume; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU that certified copies of this Resolution be transmitted to Senator James McClure, Chairperson of the Committee on Energy and Natural Resources; Congressman Morris K. Udall, Chairperson of the Committee on Interior and Insular Affairs; Senators Spark M. Matsunaga and Daniel K. Inouye, Congressmen Cecil Heftel and Daniel Akaka, Native Hawaiians Study Commission Chairperson Kina'u Boyd Kamali'i; Office of Hawaiian Affairs Board of Trustees Chairperson Joseph Kealoha, and to the news media of Honolulu.

INTRODUCED BY:

Patsy T. Mink

COUNCILMEMBERS

Date of Introduction:
MAR 23 1984
Honolulu, Hawaii

(CA/rmp 3/23/84) (2)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL of the City and County of Honolulu, by the vote and on the date indicated on the right margin hereof.

ATTEST:

Raymond K. Pua
RAYMOND K PUA
CITY CLERK

Patsy T. Mink
PATSY T. MINK
CHAIR & PRESIDING OFFICER

Dated APR 18 1984

ADOPTED MEETING HELD APR 18 1984	AYE	NO	A/E
AKAHANE			
BORNHORST			
DOD			
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Reference:
Report No.

Resolution No.
84-100

Official Committee File

Jim

The Senate
The Twelfth Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813

RICHARD S. H. WONG
PRESIDENT
JOSEPH T. KURODA
VICE PRESIDENT
CLIFFORD T. UWAINE
MAJORITY LEADER
STEVE COBB
MAJORITY FLOOR LEADER
GERALD T. HAGINO
ASSISTANT MAJORITY FLOOR LEADER
MALAMA SOLOMON
ASSISTANT MAJORITY FLOOR LEADER
PATSY K. YOUNG
MAJORITY POLICY LEADER
RICHARD HENDERSON
MINORITY LEADER
W. BUDDY SOARES
MINORITY FLOOR LEADER
MARY GEORGE
MINORITY POLICY LEADER
FIRST DISTRICT
DANTE K. CARPENTER
SECOND DISTRICT
RICHARD HENDERSON
THIRD DISTRICT
MALAMA SOLOMON
FOURTH DISTRICT
MAMORU YAMASAKI
FIFTH DISTRICT
GERALD K. MACHIDA
SIXTH DISTRICT
W. BUDDY SOARES
SEVENTH DISTRICT
STEVE COBB
EIGHTH DISTRICT
ANN KOBAYASHI
NINTH DISTRICT
BERTRAND KOBAYASHI
TENTH DISTRICT
CLIFFORD T. UWAINE
ELEVENTH DISTRICT
NEIL ABERCROMBIE
TWELFTH DISTRICT
ANTHONY K. U. CHANG
THIRTEENTH DISTRICT
MILTON HOLT
FOURTEENTH DISTRICT
DUKE T. KAWASAKI
FIFTEENTH DISTRICT
RICHARD S. H. WONG
SIXTEENTH DISTRICT
NORMAN MIZUGUCHI
SEVENTEENTH DISTRICT
JOSEPH T. KURODA
EIGHTEENTH DISTRICT
PATSY K. YOUNG
NINETEENTH DISTRICT
JAMES AKI
TWENTIETH DISTRICT
BENJAMIN J. CAYETANO
TWENTY-FIRST DISTRICT
GERALD T. HAGINO
TWENTY-SECOND DISTRICT
CHARLES T. TOGUCHI
TWENTY-THIRD DISTRICT
RALPH K. AJIFU
TWENTY-FOURTH DISTRICT
MARY GEORGE
TWENTY-FIFTH DISTRICT
LEHUA FERNANDES SALLING
SENATE CLERK
T. DAVID WOO, JR.

1959

April 18, 1984

SENATE COMMITTEE ON
ENERGY [illegible] RESOURCES
RECEIVED
APR 30 1984
WASHINGTON, D.C. 20510

Mr. James McClure, Chairman
Senate Energy and Natural Resources Comm.
360 Dirksen
Senate Building
Washington, D.C. 20510

Dear Mr. McClure:

I transmit herewith a copy of Senate Resolution No. 128, which was this day adopted by the Senate of the State of Hawaii, Regular Session of 1984.

Respectfully,

T. David Woo, Jr.

T. David Woo, Jr.
Clerk of the Senate

(To be made one and seven copies).
THE SENATE
..TWELFTH........ LEGISLATURE, 19 84.
STATE OF HAWAII

S.R. NO. 128

SENATE RESOLUTION

URGING CONTINUED FUNDING OF THE BIOENERGY DEVELOPMENT CORPORATION'S EUCALYPTUS TREE FARM DEMONSTRATION PROJECT.

WHEREAS, the State of Hawaii is dependent on imported oil for approximately 90 per cent of its energy requirements and the development of alternative energy sources is a high priority in the State's efforts to increase energy self-sufficiency and to stimulate economic development; and

WHEREAS, the BioEnergy Development Corp., a wholly owned subsidiary of C. Brewer and Co., since 1978 has had a cooperative agreement with the United States Department of Energy and later a subcontract with Martin Marietta Energy Systems, Inc., to demonstrate the technical and economic feasibility of developing eucalyptus plantations for energy production in Hawaii; and

WHEREAS, the project has received $2.3 million in federal funds through March 1984 and C. Brewer and Co. has contributed resources totalling $630,625; and

WHEREAS, the project is unique in the United States because it involves a very short crop rotation time of 6 years in contrast to other tree crops with rotation periods of several decades, and extensive experimentation is being conducted to determine the optimum cultivation and operation practices necessary for commercialization; and

WHEREAS, an assessment after the first five years of the project found that "...production of biomass for fuel in short rotation eucalyptus plantations on existing land can have returns competitive with alternative land uses"; and

WHEREAS, a crucial point has been reached in the project as the first crop is ready for harvest; however, additional funds are needed to verify harvesting costs and to determine further the economic feasibility of the concept; and

WHEREAS, BioEnergy Development Corp. has requested a five-year extension of its subcontract with Martin Marietta Energy Systems, Inc., and $314,150 in funds for the year June 1, 1984 to

May 31, 1985, and extension of the subcontract and continued funding would result in the greatest possible benefit from the eucalyptus tree demonstration project; now, therefore,

BE IT RESOLVED by the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that this body expresses its enthusiastic support of BioEnergy Development Corp.'s eucalyptus tree farm demonstration project as an important effort in alternative energy resource development in Hawaii and the nation; and

BE IT FURTHER RESOLVED that this body urges the United States Department of Energy and Martin Marietta Energy Systems, Inc., to provide additional funding to the BioEnergy Development Corp.'s eucalyptus tree farm project on the island of Hawaii, in order to allow continuation of the research and development efforts of six years so that results of the demonstration can benefit other biomass development efforts in the nation; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Secretary of the United States Department of Energy, the Chief Executive Officer of Martin Marietta Energy Systems, Inc., the Manager of BioEnergy Development Corp., the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairpersons of the Senate Energy and Natural Resources Committee and the House Energy and Commerce Committee, and the members of Hawaii's congressional delegation.

Benjamin J. Cayetano

I hereby certify that the foregoing is a true and correct copy of Senate Resolution No. 128 which was duly adopted by the Senate of the State of Hawaii on APR 1 8 1984

Dated: APR 2 3 1984

Richard K. Perkins

Assistant Clerk of the Senate

APR 0 9 1984

OFFERED BY: Dante K. Carpenter

Milton Holt

Richard Henderson

James Aki

Neil Abercrombie

Ann Kobayashi

Duke Kawasaki

TO: THE SENATE COMMITTEE on ENERGY and NATURAL RESOURCES
WASHINGTON D.C.

FROM: LIONEL KUTNER Box 531 Honaunau, Hawai'i 96726 April 24, 1984

I give testimony, not as a Hawai'ian - I have not even 1% native Hawai'ian blood - I came here from Europe. But you don't need to be Hawai'ian to see today what has developed from the events of 1893. It is a very moving and sad situation.

Hawai'ians have been removed from their lands, in many cases they no longer have access to their shores for fishing; their culture has been fragmented and nearly destroyed, and their language actively suppressed in the schools.

An examination of the historical record shows that the key act of dispossesion emanated from the hands of thirteen American businessmen - the 'Committee of Safety'. In 1893 they imprisoned the Hawai'ian monarch, proclaimed themselves a provisional government, and proceeded to have the archipeligo annexed to the United States within 5 years.

I wish to introduce as testimony in these hearings a short, excellent pamphlet called "The Issue of Native Hawai'ian Claims". It has been published here on the island of Hawai'i by our Media Advisory Council, and would be a very useful document for our audience in Washington. In a very few pages it describes the history of Hawai'i and its relationship with the United States up to the time when sovereignty was lost. It treats the philosophical aspects of the issue of reparations, and it talks about entitlement within the surviving Hawai'ian population. I highly recommend that everybody concerned to understand the distressing situation under discussion spend the short time necessary to absorb the information contained in this slim document.

From my own reading and understanding of the situation I would like to contribute the following perspective:

That Hawai'i was a sovereign nation prior to the abdication of Liliuokalani is not in dispute. That her abdication was conditional on the President of the United States' ratification of the actions and authority of the Committee of Safety is well known. That President Cleveland opposed the Treaty of Annexation is a matter of Congressional record, and that he endeavored to persuade the provisional government to step down and restore the Queen to her throne is also public knowledge.

I would like to bring the international legal implications of this takeover to the attention of the Senators and Congressmen of today, as they examine the actions of their compatriots 90 years ago.

I would also like to remind them of the statement made by Gresham, Secretary of State, accepting the report of the investigating commissioner in 1894:

> "The Queen's submission was coerced.
> The affair is discreditable to all engaged in it.
> It would lower our national standard to endorse a selfish and
> dishonorable scheme of a lot of adventurers."

It seems abundantly clear to me that the "dishonorable scheme" referred to by Secretary of State Gresham is cause for the Hawai'ian people to receive meaningful and extensive reparations from the government and people of the United States.

I stand with all the Hawai'ians speaking at these hearings, to denounce the "Majority Report" of the Native Hawai'ian Study Commission which seeks to disregard the historical facts well known here in the islands, and to evade responsibility for the annexation of the Kingdom; and I ask that the "Minority Report" of the Native Hawai'ian Study Commission be given due consideration.

A just and fair examination of the latter document will surely result in a decision to move quickly to right the wrongs done to the people of these islands since Americans took control.

Like one of the earlier speakers, I am more inclined to work for a brighter future for those who live here than to stand bemoaning the injustices of the past. BUT, we can only start to be free of the injustices of the past from the point where we admit that they were committed. That is the first and crucial step. Then the healing process can begin.

When we accept that the Hawai'ian people, a friendly nation trusting their righteous Sovereign, were cheated of their right to self-determination - by the actions of the Committee of Safety and by President McKinley's subsequent annexation of the Kingdom - then we can ask for their descendants' forgiveness and understanding, and with sincerity begin to discuss the appropriate from of reparations.

[illegible] 9:00

RECEIVED [illegible] 1984

16 April 1984

The Honorable Senator Spark M. Matsunaga
U.S. Senator
P.O. Box 50124
Honolulu, Hawaii 96850

Mr. Senator,

In lieu of oral testimony at your April 16 public hearing concerning the Native Hawaiian Study Commission report, I am submitting the following written testimony.

As an American citizen, a Hawaiian citizen, and a native of the sovereign nation of Hawaii, I am in support of further study to address the inaccuracies and injustices surrounding the historical events that led to the overthrow of the Hawaiian monarchy in 1893.

Further, I firmly beleive that an equitable resolve is not only possible, but necessary, at any cost, if the Pacific region is to be secured in the name of freedom, democracy, and global peace. As an advocate of your proposed Peace Academy, I reiterate my stand. Mahalo.

Kau kauwa ho'olohe,

Herb Almeida

Herbert Jay Nahaolelua-Almeida

1617 Keeaumoku St. #1107
Honolulu, Hawaii 96822

SPEECH BY STATE SENATOR DANTE K. CARPENTER
APRIL 16, 1984
BEFORE THE U.S. SENATE ENERGY & NATURAL RESOURCES COMMITTEE
THE HONORABLE SPARK MATSUNAGA, CHAIRMAN

CHAIRMAN MATSUNAGA AND DISTINGUISHED COMMITTEE MEMBERS:

THANK YOU FOR ALLOWING THOSE IN SUPPORT OF THE NATIVE HAWAIIANS' CLAIMS TO HAVE THIS OPPORTUNITY TODAY IN CONVEYING THEIR VIEWS TO YOU IN THE HOPES THAT THE U.S. GOVERNMENT WILL AUTHORIZE FAIR AND JUST COMPENSATION TO THE HAWAIIAN PEOPLE WHOSE LANDS WERE UNFAIRLY TAKEN AWAY. WE ALL RECOGNIZE THAT THE PRESENT U.S. GOVERNMENT WAS NOT DIRECTLY RESPONSIBLE FOR WHAT HAD HAPPENED WITH THE OVERTHROW OF THE HAWAIIAN MONARCHY. HOWEVER, THE PRESENT GOVERNMENT AND THE U.S. CONGRESS HAVE THE POWER TO RIGHT THE WRONGS AND THE INJUSTICES THAT STILL PREVAIL TODAY.

THE OVERTHROW OF THE HAWAIIAN MONARCHY BEGAN IN 1891 AND CULMINATED WITH THE OFFICIAL RESIGNATION OF QUEEN LILIUOKALANI IN 1893. IN HER OFFICIAL BIOGRAPHY, QUEEN LILIUOKALANI CHARACTERIZED THE OVERTHROW OF HER GOVERNMENT AND THE TAKING OF HAWAIIAN LANDS, AS A CONSPIRACY INSTIGATED

BY THE MISSIONARY FAMILIES AND SUPPORTED AND AIDED BY THE U.S. GOVERNMENT. THERE CAN BE NO DOUBT THAT THE U.S. GOVERNMENT USED THEIR NAVAL POWER (MARINES) TO HELP THE REVOLUTIONISTS. WITHOUT THE U.S. SUPPORT THE REVOLUTIONISTS WOULD NOT HAVE SUCCEEDED. AND IN TURN, THE U.S. GOVERNMENT WAS GUARANTEEED ANNEXATION OF THE HAWAIIAN ISLANDS FROM THE PROVISIONAL GOVERNMENT. THE THEN U.S. PRESIDENT - CLEVELAND RECOGNIZED THE ILLEGAL TAKING OF THE HAWAIIAN GOVERNMENT BY THE MISSIONARY FAMILIES WITH THE HELP OF THE U.S. MARINES AND SOUGHT TO RESTORE THE HAWAIIAN MONARCHY. HOWEVER, CLEVELAND'S SUCCESSORS ONLY PEPRTPETUATED THE WRONGS AND INJUSTICES, WHICH CULMINATED WITH PRESIDENT HARRISON'S CONTRADICTORY RECOGNITION OF THE PROVISIONAL GOVERMENT AS WELL AS ACKNOWLEDGING THAT THE OVERTAKING BY THE PROVISIONAL GOVERMENT WAS A FRAUD .

THE HAWAIIANS LOST TREMENDOUSLY, THEIR LANDS, THEIR GOVERNMENT AND THEIR IDENTITY. THEY WOULD SOON LEARN THAT IN THEIR HOMELAND, THEY WOULD BE THE STRANGERS, RULED BY THE MISSIONARIES AND THE U.S. GOVERNMENT. THE WHITE-MAN'S LAWS

WOULD NOW PREVAIL AND THE HAWAIIANS WOULD HAVE NO SAY IN THE FUTURE OF THEIR LIVES AS WELL AS THEIR COUNTRY.

THE STATISTICS CONTINUE TO SHOW THE DISPARITY OF SUCCESS BY THE HAWAIIANS IN THE AMERICAN LIFE. THE STATISTICS WILL ALSO CONTINUE TO SHOW THAT THE HAWAIIANS ARE OVERLY REPRESENTED IN BRISONS, ON WELFARE ROLLS, IN THE ECONOMIC CLASS BELOW THE POVERTY LEVEL AND THOSE AREAS REPRESENTING COMMUNITY FAILURE.

THE HAWAIIAN RACE IS NO DIFFERENT THAN THE NATIVE AMERICAN INDIANS AND PROBABLY WORSE OFF THAN THE NATIVE AMERICAN ESKIMOS. IN THE PAST, HOWEVER, THE U.S. GOVERNMENT HAS SET A PRECEDENT, BY RECOGNIZING THE WRONGS AND INJUSTICES THAT WERE PERPETRATED BY THE U.S. GOVERNMENT UPON THE INDIANS AND THE ESKIMOS. THE GOVERNMENT HAS REDRESSED THESE WRONGS BY RETURNING LANDS TO THE INDIANS AND ESKIMOS, SO THAT FUTURE MEMBERS OF THESE RACES MAY STRIVE FOR A BETTER LIFE.

WE, ONLY ASK THAT THE U.S. GOVERNMENT FINALLY RECOGNIZE

FORMALLY WHAT HAS BEEN ALREADY RECONGIZED INFORMALLY BY PREVIOUS U.S. GOVERNMENTS AND AUTHORIZE A FAIR AND JUST COMPENSATION FOR THE INJUSTICES AND WRONGS THAT WOULD HAVE NEVER TAKEN PLACE, IF NOT FOR THE AID OF THE U.S. GOVERNMENT.

WE ASK FOR

1) THE LANDS WHICH THE U.S. GOVERNMENT NOW CONTROLS AND WHICH ARE PRESENTLY NO LONGER USED AND THOSE LANDS IN THE FUTURE WHICH ARE NO LONGER USED BY THE GOVERNMENT BE RETURNED TO THE HAWAIIANS; OR

2) THE UNUSED LANDS AND MONEY BE GIVEN TO THE HAWAIIANS; OR

3) THAT MONEY BE GIVEN TO THE HAWAIIANS.

A FEDERAL COMMISSION SHOULD BE ESTALISHED WITH MEMBERS OF THE HAWAIIAN RACE TO DISPENSE OR ALLOCATE WHATEVER REPARATIONS ARE RECEIVED. THE COMMISSION SHOULD BE REQUIRED TO ESTABLISH A TRUST FUND WHERE THE FUTURE CHILDREN OF THE HAWAIIAN RACE WILL BE GUARANTEED A CONTINUAL SOURCE TO ASSIST THEM IN THEIR EDUCATIONAL, SOCIAL, AND PHYSICAL WELL-

BEING. THIS IS TO SAY THAT WE ARE NOT LOOKING FOR REPARATIONS THAT WILL BENEFIT ONLY THOSE HAWAIIANS LIVING, BUT ONE THAT WILL BENEFIT ALL IN THE FUTURE.

THANK YOU VERY MUCH!!

45-535 Luluku Road
Suite A41
Kaneohe, Hawaii 96744
April 26, 1984

From: Mr. Rene La Plante

To: The Honorable Ronald Reagan, President Of The United States

The Honorable James A. McClure
Chairman, U.S. Senate Energy and Natural Resources Committee

The Honorable Morris Udall
Chairman, U. S. Senate Interior & Insular Affairs Committee

The Honorable Daniel K. Inouye, U. S. Senate

The Honorable Spark M. Matsunaga, U. S. Senate

The Honorable Cecil Heftel, U. S. House Of Representatives

The Honorable Daniel Akaka, U. S. House Of Representatives

Ms Kinau Boyd Kamalii
Chairman, Native Hawaiian Study Commission
Room 6113, Federal Building, Honolulu, Hawaii

Subj: Claims of reparations for Hawaiian lands taken control of by the United States in 1893; rebuttals concerning

Overview

1. In July of 1983 the so-called Native Hawaiian Study Commission, with a budget of $365,000, concluded it's report and submitted it to the U. S. Congress. The majority of the members of the commission concluded that the United States did not act wrongfully in the January 17, 1893 takeover of the Hawaiian monarchy.

2. However, a minority of the Committee headed by one Kinau Boyd Kamali'i, herself of Hawaiian descent, have continued to oppose the findings of the majority, claiming that the United States did act wrongfully and that U.S. citizens who are Hawaiian should be paid reparations by the U. S. Government.

3. This letter will not attempt to address the matter of whether or not the U. S. acted wrongfully. But rather the writer will address other important matters that are germane to this matter and will show that whether or not the United States was at fault, it would not be equitable to pay any reparations to U. S. citizens of Hawaiian extract.

Mr. Rene La Plante's ltr of 4-26-84 = Contd.

Today and History

4. The U. S. Federal Government derives it's money by taxing the citizens and by borrowing funds. Unfortunately, the United States Treasury is empty. The fact that our Government is more than one trillion dollars in debt is a matter of concern for every thinking American. Only recently Senator Daniel K. Inouye stated that the situation is so bad that the country was "going to hell in a handbasket."

5. Yet, instead of acting responsibly and realistically, all four of the U. S. Congressmen have publically stated that they are in favor of the payment of reparations to the Hawaiians.

6. The writer feels very strongly that not only do we not have the money, but it is simply not equitable for U. S. citizens living today to have to pay their tax dollars to anyone because of an event that occurred in history.

7. It is a matter of historical fact that it was only the Hawaiian chiefs (ali'i) who possessed the land. The Hawaiians other than the chiefs never did own any of the land, to begin with. It is clearly not equitable that their descendents be compensated for something they did not own. Moreover, it is a matter of record that a number of the chiefs sold off their lands to the foreigners (haoles).

8. In modern history, a number of Hawaiians have already been provided public assistance in many forms. An Office of Hawaiian Affairs (OHA) was recently established at the State Government level and is now marshalling resources and money to provide further assistance to citizens of HawaiiAn descent. Certain educational institutions in Hawaii are only available to the Hawaiians.

9. Additionally, the Office Of Hawaiian Affairs has brought suit against the State of Hawaii demanding that tax revenues from certain lands in the Hawaiian Islands be paid to OHA, as though it is a separate taxing entity.

10. Much of this is clearly in violation of the laws of the United States which guarantee equal rights to all Americans without discrimination. And no band of citizens or organization can declare themselves to be a separate taxing entity.

Mr. Rene La Plante's ltr of 4-26-84 - Contd.

Reparations To Whom?

11. The title of the commission involved in this matter used the words "native Hawaiians." It should be clearly understood that persons of Hawaiian descent are no longer "natives" living in the old ways as are certain American Indian tribes. Most Hawaiians are fully integrated into the communities where they live. They have reached high office in the Federal and State Governments and many others are successful in their own fields of endeavor. Congressman Daniel Akaka is a perfect example. The question arises: Should the U. S. tax payers be required to pay reparations to Hawaiians who are already wealthy and successful because of an event that occurred in history? Most of my Hawaiian friends do not think so. It is clearly not equitable and unrealistic, especially when the money would have to be borrowed.

12. Conversely, there are a sizeable number of Hawaiians in and out of jail who have involved themselves in crime and have even led lives of crime. They are, nevertheless, Hawaiian. Are they to be paid reparations? Who would decide?

13. The payment of vast sums of money and lands to the American Indians was equally foolish and is just one more instance that has led to the current near-bankruptcy of the U. S. Treasury. Because of this precedent, certain American Indian groups are currently suing for vast areas of lands with very ominous portends for other citizens living in the areas. All of this is a reflection of the failure of the U. S. Congress to act responsibly and in the best interest of the country as a whole. The whole Indian matter has turned into a legal nightmare in addition to the vast monies the citizens have unknowingly had to pay to the Indians.

Advantages of Being U. S. Citizens

14. Neither the media nor U. S. Congressman from the State Of Hawaii to my knowledge have ever touched on the many and obvious benefits that the Hawaiians enjoy as U. S. citizens.

15. For anyone with even a basic understanding of world history, it was inevitable that the Hawaiian Islands would eventually be taken over by one of the major powers.

16. For example, in World War II the United States defended the Hawaiian Islands at tremendous expense in terms of loss of American lives, wounded, and billions of dollars in monetary expense.

In a recent book entitled "Hawaii Under The Rising Sun: Japan's Plans for Conquest After Pearl Harbor," University of Hawaii historian John J. Stephan cited actual Japanese documents which proved conclusively that Japan fully intended to invade and occupy the Hawaiian Islands. The Hawaiians and other Americans in the islands might well have suffered the same brutal treatment and atrocities that occurred in the Philippines and other areas occupied by the Japanese military.

17. Most Hawaiians recognize and appreciate the heroic defense that the Americans made in World War II. It is regretful that there are some who seek an apology and money from the United States instead of recognizing that the many benefits and protection they enjoy as U. S. citizens far outweighs any negatives that might have occured in the historical takeover of the islands by the U. S.

Conquest And Reparations

18. The Hawaiian King Kamehameha conquered all of the islands of Hawaii by shedding the blood of thousands of native Hawaiians. The writer is confident that no Hawaiians dared to demand reparations from King Kamehameha for the conquest of much of the lands in Hawaii. Yet the United States annexed the Hawaiian Islands without shedding a single drop of Hawaiian blood, in sharp contrast.

Conclusions

19. Although the writer feels very strongly that direct payments of reparations to the Hawaiians is not equitable for the reasons given, he nevertheless would like to see the culture and history of the Hawaiians to be preserved and advanced much better than it has been to date. Accordingly, the writer makes the following recommendations:

Recommendations

a. That instead of a memorial area to King Kamehameha to be developed in Ft. DeCrussy U. S. Army Base in Honolulu, Hawaii, as recommended in a Bill sponsored by U. S. Representative Cecil Heftel, that a sufficient portion of Ft. DeRussy be developed by the Hawaiians themselves, possibly through the State Office Of Hawaiian Affairs, as an indoor and outdoor Hawaiian Historical and Cultural Center. Here the emphasis would be on absolute authenticity, and all that is available and important to the Hawaiians could be preserved through actual artifacts, on film and through the performing arts.

Mr. Rene La Plante's ltr of 4-26-84 - Contd.

b. That a separate area be developed for the teaching of the crafts, art and language of the Hawaiian people so that their culture can be taught to their young people and anyone interested in learning. Only authentic, approved Hawaiian instructors would be selected as instructors and they would be paid adequate salaries with benefits.

c. That adequate and sufficient free vertical parking be developed for the area to meet present and future needs.

d. That the Hawaiian's themselves be directly involved with the development of the Hawaiian Historical and Cultural Center, but that prior approval of buildings, etc be received from the State and possibly the Federal Government before actual construction begins.

e. That funding initially be provided by funds already received by the Office Of Hawaiian Affairs, supplimented by a split of State and Federal funding if needed. Future funding could be easily derived from charging modest admissions to the general public as needed.

Respectfully submitted,

René La Plante

Rene La Plante

April 24, 1984

Aloha
U.S. Senator,
Spark Matsunaga

The blitz of fiefdon commissioned individuals in a concerted nexus with U. S. Minister John Stevens and participation of the United States government that brought about the revolution against a sovereign nation (The Hawaiian Monarchy) which was held by the powers of Queen Liliuokalani to wrest was brought to naught, the United States government which became the controlling force of Hawaii to a people who understood little if at all any of the politics or the fundamental laws that were mandated.

It is no mystery but a fact that the overthrow of Queen Liliuokalani and the Hawaiian Monarchy by fiefdon commissioned individuals and participation of the United States Government was atrocious and grave to a people who understood nothing of what would happen, for in less than a century the pure hearted Hawaiian people who were many has come close to anihilation.

The conspicuous overthrow opened up a total diverse way of life for the Hawaiians with the new politics and laws mandated they were in a field of life they had no knowledge of and with the influx of migrants they were soon to be dispersed and brought to the lowest degree, by those they welcomed with opened arm were soon to be bound by a grasp of deciet and greed.

With the implementation of the commission and the United States government's system of bureaucracy and politics in contempt for the overthrow of Queen Liliuokalani and the Hawaiian Monarchy it is evident that restitution should be made with lands returned and an equitable monetary supplement for every Hawaiian having proof of one fourth (1/4) Hawaiian blood.

The philosophical realism to the overthrow has brought Hawaii to a divine sophisticated position, however, my opinion is a wrong has been committed, for in order for a transition for Hawaii to partake of a divine sophistication such an act would have to have been agreed upon by Queen Liliuokalani. She detested, and the commission with the participation of the United States government dethroned her, thus ending the Hawaiian Monarchy.

Ua-Mau-Ke-Ea-O-Ka-Aina-I-Ka-Pono.

"The life of the land is perpetuated in righteousness"

TO: U. S. Senator Spark Matsunaga, Chairman
Senate Committee on Energy and Natural Resources
Room 358 - 1st and Constitution, N.E.
~~N.E~~. Washington, D. C. 20510

FROM: Thomas B. Miles
P. O. Box 1676
Kamuela, Hi. 96743
April 24, 1984

SUBJ: Refutation - Native Hawaiian Study Commission Volume I.

TITLE

AMERICAN MINISTER JOHN LOUIS STEVENS' LEADERSHIP IN OVERTHROWING QUEEN LILIUOKALANI AN OFFICIAL ACT OF U. S. A.

STEVENS A HONED JINGOIST

Much of the fate of restitution due Hawaiian people because of the illegal overthrow of their Monarchy by the United States in 1893 rests on the rightful posturing of unusual accomplishments to which intelligent John L. Stevens was jingostically prone in the successful accomplishment of his duties as an official representative of the United States Government abroad. Stevens was a close friend and business partner of James G. Blaine, a high ranking Republican stalwart who served as Secretary of State during the terms of Presidents Garfield (1881), Arthur (1881-1885), and Benjamin Harrison (1889, 1893).

When John Stevens came to Hawaii he was already a seasoned member of the American diplomatic corps and his proneness to order the use of U.S. armament in the performance of his disciplines abroad was both tried and proven. While he was ambassador to Paraguay and Uruguay from 1870 to 1874, Stevens ordered U.S. soldiery to quell an uprising in Paraguay. And after the South American assignment he was sustained in the profession of foreign intervention as American emissary to Norway and Sweden from 1878 to 1883. It is significant for purposes of this review that this strong willed diplomat was recalled from each of the aforementioned posts at requests of the hosting nations. During his terms as a diplomat it was known that Stevens was not always propitiously inclined when under pressures of his official assignments, but that his loyalty to Uncle Sam was beyond reproach. Further notable is the fact that his arrival in Honolulu to replace Minister G. W. Merrill was less than three months after the "Insurrection of 1889" in which United States troops off the U.S.S. Adams were actively engaged against Hawaiian soldiery.

In this writer's opinion it is both unfortunate and fortunate that a recent authorship on the monarchial era, "The Betrayal of Liliuokalani", copyrighted in 1982 by Helena G. Allen, was used by a prominent Honolulu newspaper on February 14, 1983 to make it appear that ordering U.S. militia to oppose the Queen was not an act of official U.S. design - but instead was the total responsibility of the incumbent Minister. Also of significance is the fact that this very same argument was embraced by a recent Presidential commission to buoy a majority premise - which supposedly proved that Hawaiian people are not entitled to restitution for acts of war which nullified their sovereignty. (Vol. I Native Hawaiian Study Commission Report, June 23, 1983). These reasonings are unfortunate indeed from the Hawaiian viewpoint - but the Report simply is not true as to the realities of overthrow, and therefore, thank-fully, not shatterproof. A refutation of erroneous findings in NHSC's Vol. I have been creditably accomplished by the minority membership of said Commission in their Volume II. And the latter has also received the blessing of all four of Hawaii's elected officials in Washington, D. C. Additionally, the vast majority of Hawaiian people too support the findings in Volume II. But time is running short and further evidence is being bared so that the whole truth of the Kingdom's demise can be exposed to the Congress and American public as soon a possible.

In fairness to Authoress Allen I submit that I have not found any intent to harm Hawaiian causes in her text. The newspaper account which quoted Allen saying that the United States was blameless for the deployment of troops to overthrow the Queen simply can't be found in the "Betrayal of Liliuokalani". And to bolster the truth of America's official involvement in the overthrow I have extracted from other reliable sources to establish that Minister Stevens was indeed acting in official capacity during the period of takeover - and I stress his esteemed proclivity as a highly efficient jingo both before and after coming to Hawaii. I also include facts of American history to demonstrate the long need and determined resolution of the U.S. to control the Hawaiian Islands; this is accomplished by connecting a consecutive line of ranking American political and military leaders who were committed toward this end. Remember this: Industry and commerce were never the real reasons for annexing the "Sandwich Islands" - but slantings of shelved texts have often made it appear that way.

The reciprocity treaty of 1874 as amended in 1884 finally ceded the exclusive use of Pearl Harbor as a sorely needed base of U.S. naval operations. This treaty gave the United States a unique military vantage in the Pacific that was nervously viewed by other international contenders who, too, regularly patrolled the vastest of blues. For a certainty the American States were better protected from Pacific warring with the Islands as their rampart, however, the truth of said acquisition was purposely disguised as being mainly a convenience to bolster commercial interchange. Notwithstanding, camouflaging fell far short of convincing close observers of the charades since most of them were aware that Island commerce was well into being a complete United States monopoly before the 1850s ended. From the 1840s on it was already clear that trading was not the main reason for seeking to harness the Hawaiian Islands - but that the defense of America's contiguous homeland was.

Responsible research will reflect that one of President Benjamin Harrison's "fondest dreams" was to annex and master the Hawaiian Islands - and that he attempted to enforce this will by accelerating Congressional processes soon after Liliuokalani was dethroned. It is also historically clear that President Cleveland who succeeded hin - after due investigation - realized the illegality of procedures employed to depose the Queen and that he attempted to speedily restore her to power. Roger Betts, a member of the NHSC personally researched the facts of overthrow in The Library of Congress several years ago; his worthy efforts exposed errors in shelved historical material which tends to obscure the direct complicity of the United States in terminating a proud island nation. Betts' authorship is heavily supported by the report of President Cleveland's special investigator, Col. James H. Blount, who concluded that betraying the "little Nation" violated both U.S. and International law - for which the United States Government was totally responsible. A later report by Senator J. T. Morgan construed that Minister Stevens' actions in the revolution were not illegal - because the seizure was the result of an "invasion" and not an act of war. Both recorders, however, agreed that Stevens directed the demise of a soverign nation as one of his official duties.

History is quite clear that the United States long explored acts of both peace and war to establish a stronghold in Hawaii and that the highest politicos and militarists in Washington, D. C. were closely involved in these deliberations. And furthermore, that these ranking consultations began a minimum of four decades prior to Stevens' first arrival in the Islands. When one ponders the many international complexities embodied in the sacking of a nation of recognized stature - no matter how weak or strong - any thought that an accomplishment of such magnitude was the American Minister's brainchild alone is far fetched indeed. But most historical texts fail to illuminate sufficiently upon the circumstance that compelled the U.S. to dominate the Hawaiian Islands from the ninth presidency on.

During this selfsame period - the 1840s - demarcating the Territorial limits of California and Oregon were well under way and in 1853 Washington was accorded like status. After the Civil War people began pouring across the Missouri River to reported riches in the extensive "Wild West" - and in 1867 the purchase of Alaska by President Lincoln's successor completed America's Pacific frontier. Now, suddenly, the wide-spread U.S.A. uniquely had two major ocean fronts to defend - and the need of a prime fortress in the Pacific became more crucial than ever before. To support the last retrospection this writer has extracted from responsible sources which associate America's highest statesmen in the order of their consecutively dated official involvments in the Islands. For instance, a quote from the files of Daniel Webster, Secretary of State during the ninth presidency in 1841 is revealing:

> ". . . and the President (William Henry Harrison) is of the opinion that the interests of all commercial nations require that the government (Hawaii) should not be interfered with by foreign powers . . . the United States therefore is more interested in the fate of the Islands . . . than any other nation can be . . . ."

And part of the next President's message to Congress - John Tyler's in 1843 - expressed that:

> ". . . the United States was willing that the Hawaiian Government be independent . . . but should events hereafter arise to require it (U.S.A.) to make a decided remonstrance against the adoption of an opposite policy . . . it will be done."

During the early 1840s Secretary of State Webster held several meetings in Washington, D. C. with representatives of Kamehameha III regarding a continuing recognition of Hawaiian sovereignty. At that time the possibility of purchasing the Islands was also a matter mentioned informally - and from then on the great need of Hawaii as a U.S. bastion is indelibly etched. By the mid 1840s foremost U.S. officialdom was also vying for suitable land over which to construct a canal across Central America. Such a waterway would link America's extensive coastal fronts for purposes of both commerce and national defense. In 1851 U.S. Admiral S. F. De Ponte made the following disclosure after studying the feasibility of an isthmian canal to better facilitate a duo-ocean stratagem of defense which included the Hawaiian Islands:

> ". . . It is impossible to estimate too highly the value and importance of the Sandwich Islands whether in a commercial point of view or otherwise. Should circumstances ever place them in our hands, they would prove the most important acquisition and naval supremacy in those seas; be this as it may, those Islands should never be permitted to pass into the possession of any European power . . . ."

The eleventh President, James Polk, 1845-1849, vigorously pursued the establishment of America's Pacific Coast; he settled the Oregon County boundary dilemma with Great Britain and was responsible for purchasing California from Mexico. President Polk too was imbued with the necessity of controlling Pacific waters for purposes of national defense, and within his schematism acquiring absolute posturing in the Hawaiian Islands was of prime concern. During this particular time-frame Americans almost completely owned a flourishing whaling industry plus a budding raw sugar enterprise quartered in Hawaii.

And by mid 1849 a positive treaty between the United States and the Hawaiian Kingdom was into processes of finalization.

Highest on the list of priorities during Zachary Taylor's short 12th Presidency, March 1849 to July 9, 1950, was the formal annexation of contiguous territory won in the Mexican War and the fostering of imperialism in both the Pacific Ocean and Central America. A treaty between Hawaii and the U.S. was finally concluded in December 1849, a time when vying for preferential treatment by the Hawaiian Nation was particularly keen between Britain, France and the U.S.A. High-placed international remormongering of the time had it that President Taylor was in the process of negotiating to purchase the Hawaiian Islands from Kamehameha III shortly before the U.S. executive died in mid 1850. It is well known that the rapport between this President and the Hawaiian Ruler was on a plane of mutual respect - their closeness was unique when considering the leanings of most Hawaiian kings.

Millard Fillmore succeeded to the thirteenth presidency on July 10, 1850 and remained in office until March 3, 1853. Fillmore's foreign policy was high-lighted by dispatching Commodore Matthew Perry to isolationist Japan as a gesture of good will in 1853 and a trade compact between their countries was consummated the following year. The resultant increase in ocean traffic led to a gradual upping of war vessels in the greatest of all oceans - and though cross-Pacific warfare between leading nations would not be truly tested for three generations to come - when that time did arrive it is fortunate indeed that the Islands were there in defense of the Stars and Stripes.

While the Civil War yet raged, Abraham Lincoln, the 16th President, made the time to explore ways and means of establishing a fortress in the Pacific - and to know that the Hawaiian Islands suited this exigency best. In June of 1864 the President met in the Capitol with King Kamehameha V's personal envoy, Elisha H. Allen, to further insure accord between their governments - and afterward Secretary of State, W. H. Seward, was instructed to particularly heed the needs of the Hawaiian official. Seward continued to hold meetings with Allen and on concluding one of these he wrote to the U.S. Minister in the Islands (James W. McBryde) regarding a favorable trade treaty that was then under way. In part his communique read:

> ". . . that if a reciprocity at any time be made with this Government a fee simple to a piece of land at this port (Pearl Harbor) sufficient for a wharf and buildings for a naval depot and also for a drydock should be made one of the conditions of this treaty . . .."

At this point in time options to obtain a vantage within the Hawaiian Archipelago were issues of major international diplomatic sparring - and there was little doubt that the United States was determined to maintain the upper hand in the matchups. To gain their ends the U.S. appeared to have the following avenues open to them at that time: (1) Establish a status of favoritism by accelerating displays of friendship. (2) Negotiate on the basis of equitable exchange. (3) Outright purchase of the Islands. (4) Gunboat diplomacy (War). (5) Any combination of the aforementioned.

Notwithstanding the great aftermath tribulations of Civil War confronting Abe Lincoln's successor, Andrew Johnson who served from 1865 to 1869, the new leader too strove to maintain close ties with the Islands. Because of the obvious affection then being displayed for Europeans by Kamehameha V, this was a bitter pill to swallow. And to further compound the King's personaal leanings Queen Dowager Emma was in England at the time - and her close association with Queen Victoria was being widely heralded. Additionally official rumors were afloat that the British were about to annex the Island Kingdom. However, despite the obvious propensities for England, the President maintained an open relationship with the Islands, and when Emma returned from the British Isles on August 8, 1866 she was welcomed in New York by U.S. Government functionaries. And shortly thereafter she accepted VIP escort to Washington where President Johnson personally greeted her and saw to her comfort. Unfortunately, as these especial pleasantries were in the process of extension the attitude of many in Hawaii toward Americans had ebbed to such lows that the U.S. Minister recommended stationing a gunboat in Honolulu Harbor to deter alliance ". . . between Hawaii . . . and any other country."

To demonstrate the unique leverage England held with Hawaiian Aliis at this juncture it is noteworthy that Queen Emma's voyage to and 1865 sojourn in England was entirely under the invitation and fiscal sponsorship of Queen Victoria. On arriving in England Emma was received in Windsor Palace by the British Queen and later she was entertained by many English notables on planes of both mutual respect and dignity. All of this attention was viewed apprehensively by the American Ambassador in London (Manley Hopkins) who suspicioned that the ex-Queen's popularity was the result of a renewed leaguing between England and the "Sandwich Islands" - but he was not entirely certain of that. An excerpt from an official letter by Hopkins expresses this quandry well:

> ". . . The Queen's reception in England surpasses in success anything that could have been anticipated . . . Through all it is understood that Queen Emma's reception is a private one . . . which should not give umbrage to any other power . . . ."

To allay any further distrust on the part of top U.S. Officials Lot Kamehameha personally requested that his brother's widow accept official generosities then being proposed by President Johnson as accommodations on her way home. Emma of course acceded to her King's wishes. But unfortunately her grandly planned stay in Washington was cut short by the death of her adoptive mother and the President thereupon quickly arranged an honored escort for her homeward journey. In San Francisco the U.S.S. Vanderbilt, under the command of Admiral W. K. Thatcher, was readied for the Pacific crossing. After the Vanderbilt left San Francisco Admiral Thatcher was quoted by the press as having said: ". . . I had no doubt that a friendly and conciliatory course with the Government of those Islands will be better than a bluster." Of course this offhanded utterance omened that other than acts of cordiality could be in the offing should amity between the nations fail.

On May 27, 1867 a trade reciprocity proposal between the Hawaiian Monarchy and the U.S.A. was completed and soon had the endorsements of both Secretary of state Seward and President Johnson. At that time the American Minister in Hawaii opined:

> ". . . I think the consummation of this treaty would largely benefit the commercial and manufacturing interests of this Coast and the country; and prove the initial step toward the acquisition of the Islands, should this Country ever want them . . . ."

During this period the U.S.S. Lackawana was oft anchored in Honolulu Harbor and its obvious display of power was resented by Hawaiian people because it reminded them of past takeovers by battleships of greater nations (France and England). During the 1866-1867 time frame the great necessity for the United States to maintain positive leverage in the Islands is demonstrated in the following quote from a reliable historical source:

> "American diplomatic and naval officers in Hawaii frequently suggested and sometimes advocated a vigorous Napoleonic or Mismarkian diplomacy in order to restore American democratic principles and influence in the government of Hawaii or to bring the islands under the American flag . . . ." ". . . wait until the pear was ripe and ready to fall into the basket conveniently placed to receive it."

It is obvious from the foregoing that the Constitution imposed by Kamehameha V in 1864 restricted influence once enjoyed by Americans under maxims they framed for Kamehameha III in 1852.

The Eithteenth President, Ulysses S. Grant, completed two terms in office from 1869 to 1877, and though many believe that his official contributions were not the best - the Civil War hero nevertheless managed formidable imprints in the Hawaiian Islands. Because of his natural military predilection Grant's early personal attitude toward the acquisition of Pearl Harbor was bluntly that: ". . . it could be taken any time America wanted it . . .." At about that same time U.S. Senator Fessanden, who often echoed the President's thoughts, was quoted thus for public consumption:

> ". . . it is folly to pay for a thing we already have . . . and that the power and prestige of the United States is sufficient to assure whatever naval and commercial privileges are needed in the Islands."

In 1869 President Grant appointed Henry A. Pierce to replace General McCook as official representative in Hawaii - and two months after assuming the post Pierce advised his President: ". . . that due to foreign interests powerful reasons exist . . . for making a naval station in Hawaii." But Pierce did not discount the pending trade agreement as a means of cementing relations between the countries - and gradually the President's will to adopt reciprocity as a balm to soothe old wounds was won. A statement by President Grant shortly thereafter is evidence of his new conviction:

> ". . . I feel warranted in saying that the United States would enter into a reciprocity treaty admitting free of duty Hawaiian sugar . . . if the Hawaiian Government would grant . . . to the Government of the United States . . . sufficient land and water privileges on the Island of Oahu . . . for the term of ninety-nine years of nominal rental . . . to enable the . . . U.S. Govt. to establish a Naval Depot with all necessary buildings, docks, wharves, storehouses etc., etc. which shall at all times be free to the United States Government. I am satisfied in further saying that the Hawaiian Government will agree that like privileges be granted to no other country."

Kamehameha V died unexpectly on December 11, 1872 and William Lunalilo succeeded to the throne a month later. King Lunalilo's term was the shortest in monarchial annals. During this brief reign, January 1, 1873 to February 3, 1874, Americans residing in Hawaii were again privileged to become ranking entities of the realm. At this time whaling had just about run its course and the mainstay sugar industry was on the brink of failure unless the pending trade agreement with the U.S. became quick reality.

Shortly prior to Kamehameha V's passing President Grant and his military hierarchy unanimously agreed as to the urgency of the Islands becoming America's prime bastion in the Pacific - and a high powered army-navy investigatory team was secretly commissioned to explore and map points of particular military vantage on all major islands. To accomplish this end in late December 1872 Admiral A. M. Pennock, Commander of the North Pacific Squadron, General John M. Schofield, Commander of the U.S. Army in the Pacific, and Brigadier General B. S. Alexander were on their way to Hawaii under sealed impositions of their War Department. Ostensibly the coordinators were to arrive aboard the U.S.S. California on an extended Island holiday - but their mission was actually for purposes of strict military reconnaissance. Their orders follow in part:

> ". . . for the purpose of ascertaining the defense capabilities of the different ports and their commercial facilities, and to examine into any other subjects that may occur to you as desirable, in order to collect all information that would be of service to the Country in the event of war with a powerful maritime nation . . . it is believed the objects of your visit be prepared as a pleasure excursion which may be joined in by your citizen friends."

Pearl Harbor, Schofield Barracks, Fort Armstrong, Fort Kamehameha, and other military staging areas on Oahu and the neighboring islands were mapped during this secretive survey - and most places so etched were utilized during World War II. It is noteworthy that results of this official mission were not bared to the public until well after the Queen's overthrow.

Not much of the Rutherford B. Hayes presidency, the Nineteenth, 1877-1881, is reflected in renderings on Hawaii, but it is acknowledged that his administration did sustain the bold military beliefs of Ulysses Grant. To win favor in the Islands President Hayes heeded the trade agreement established by his predecessor.

The very brief term of James A. Garfield, the twentieth President, March 4, 1881 to Sept. 1881, was also mindful of windfalls to be gained by annexing the Hawaiian Islands. While this President was still a member of the House of Representatives in 1876 he firmly advocated Grant's policies concerning the Pacific Kingdom and in a speech before his peers that year he said:

> ". . . schemes of annexation will vex us from year to year until we shall be compelled to annex these islands as a matter of self-protection."

And on attaining the Presidency he expressed the following regarding the necessity of maintaining congeniality with the Hawaiian Government:

> ". . . the King (Kalakaua) has started a voyage around the world and it is feared that he contemplates either the sale of the Islands or some commercial treaty with European powers which would embarrass the United States. We shall probably soon have more delicate and important diplomatic work in that direction than at any previous time in our history."

President Garfield was shot on July 2, 1881 but lingered on until September 19, 1881 and his Vice President, Chester Arthur, was sworn into office the following day. About a week later King Kalakaua was welcomed in Washington by the new President and other ranking statesmen - and he was soon involved in a series of official discussions. After the meetings President Arthur informed the press that he favored amending and renewing the existing reciprocity treaty - but that he remained steadfast on the proposition of obtaining absolute control over Pearl Harbor as part of any such new compact. Before leaving for home the King charmed all who attended a formal reception held in his honor at the White House.

The attitude of Grover Cleveland who was elected to the 22nd and 24th Presidencies, 1885-1889 and 1891-1897, seemed always favorable to the Hawaiian Nation. This especial warmth was perhaps first kindled when the President and his young bride entertained Queen Kapiolani and her entourage at the White House in the spring of 1887. At the time the royal party was en route to Queen Victoria's Golden Jubilee celebration in London. After the overthrow President Cleveland refused to negotiate with the illegally imposed Provisional Government and after due investigation and the report of a responsible Congressional personage, Col. James H. Blount, he made several attempts to restore Queen Liliuokalani to power.

The President's will to impugn his Country for ". . . illegal acts against a feeble nation . . ." are well documented portions of history via "The Blount Report" in 1893. But a denial of such culpability was later manifested in a conclusion by Senator J. T. Morgan in early 1894. According to a distinguished historian, the Morgan Report was exploited by a majority American press to make it appear that Stevens' fostering and official recognition of the Provisional Government was a proper official act since no actual warring was involved by U.S. militia, and therefore that the Blount Report was wrong as to the methodology of overthrowing the Queen. As the result of these conflicting reports both Presidential and annexationist efforts were stalemated in the Congress in 1864 - and a frustrated Grover Cleveland finally withdrew most of his efforts to immediately restore the Hawaiian Nation.

President Benjamin Harrison, the 23rd President served between the Cleveland administrations, 1889-1893. One of Harrison's favorite projects was the annexation of Hawaii, and in the closing days of his single term legislation fostered for that purpose was rushed to the U.S. Senate for speedy ratification. However, the measure was delayed through purposeful political maneuverings during Harrison's "Lame duck" session - and then was quickly withdrawn as one of President Cleveland's first official actions in March 1893.

William McKinley, the 25th President, was elected twice and began terms on March 4, 1897 and on the same day in 1901. McKinley was assassinated about six months after taking his second oath of office. This President strongly opposed trade reciprocity with Hawaii while still a member of the House of Representatives in 1886 and it was his Tariff Act that rekindled economic depression during the final years of Monarchial existence and for a few years beyond.

After the Hawaiian Nation's demise Pearl Harbor no longer was an enticement through which Island politicos could expect to extract favors from Uncle Sam - because the Hawaiian Islands were now America's for the taking. And once the Spanish-American War began in 1898 it was purely a matter of semantics - a joint Resolution of Congress - and the Hawaiian Republic was quickly an integral part of the U.S.A. During this war the new Territory of Hawaii was a valued staging area for American forces going to and from hostilities in the Philippines - and the military buildup in the Islands has been continuous since then.

The 26th President, Theodore Roosevelt, 1901-1909, was sworn into office the day William McKinley was killed and the youngest president ever was soon enmeshed with important international pertinencies in the Pacific. In his first message to Congress in December 1901, "Teddy" Roosevelt referred to the Territory of Hawaii as ". . . America's martial necessity in the Pacific . . ." and secondly to its importance as a trading center. And while negotiating a treaty for the purpose of acquiring a strip of land across Panama in 1903 Roosevelt aided a revolting Panamanian government by deploying American troops in their support against Columbia. At that time Columbia held sovereighty over the Isthmus of Panama.

Theodore Roosevelt and a long line of presidents before him saw the Hawaiian Kingdom and the Panama Canal as obligatory to the defense systems of the United States. One part of such in-depth foresight was demonstrated in World War I, a conflict in which the Canal held greater sway in accomplishing victory for the U.S.A. But four presidencies and part of the third term of another Roosevelt would pass before "the day of infamy" proved the true value of the Hawaiian Islands as a prime defender of the Stars and Stripes. In late 1941 the Islands were well prepared for invasion and were it not for mistakes made by the U.S. military the surprise attack on Pearl Harbor on December 7, 1941 need not have been. Notwithstanding, the Territory of Hawaii stood the test on that early Sunday morn - and then became the springboard rampart from which defeat of the enemy was launched to end World War II. How does one measure the value of such a tried and proven U.S. asset?

From all of the foregoing there should be no doubt that the Hawaiian Nation was a realistic necessity to the defense system of America from the 1840s on. The Spanish American War, World War I and World War II all prove the long-necessity of the Islands to the protective schematism of the U.S.A. - and for how long before or after these conflicts Hawaii has supplied or will continue to furnish such safeguard is a matter best left to qualified ones to judge. History is certain as to France, Britain, Russia, Spain, Japan, and perhaps others, having designs on these Pacific Isles at one time or another. And it is further clear that these wants have not necessarily diminished just because of today's technological advancements - nor ones to come. Perhaps the defensive needs of Hawaii are more necessary today than ever before.

On a recent day while mulling over sections of history which tend to dilute the true need for annexing the Islands, it suddenly dawned that the lack of speedy communication between Hawaii and Washington, D. C. was a particularly valid reason for John Stevens' Pacific assignment in 1889. After 1886 a trans-Atlantic cable was available to alleviate problems involving U.S. diplomacy in Europe, but such would not prevail between Honolulu and a telegraphic link-up in San Francisco until January 1, 1903 - and the Marconi Wireless was still another five years down the road. For this reason it was obligatory that a resident U.S. Minister in Honolulu be an especially experienced foreign diplomatist and it is quite evident that both President Benjamin Harrison and Secretary of State Blaine believed that John Louis Stevens was best qualified for the post.

Many authorships are prone to suggest that ordering a battle-ready cadre off the U.S.S. Boston to march into Honolulu on the eve of January 16, 1893 was purely a spur-of-the-moment concoction by Minister Stevens. However, to adopt such thinking is to assume that this seasoned statesman who was especially proficient in directing American troops to assure U.S. supremacy on foreign soil, came to his post completely uninstructed as to the probability of warfare to effect U.S. vantage in the Pacific - and furthermore that the U.S.S. Boston's Captain Wiltse too was devoid of such likelihood well in advance. And it is unfortunate that Queen Liliuokalani, on viewing the might of American soldiery marching in battle array before Iolani Palace on the eve of overthrow chose not to wage war the following day. Because at that late hour the Ruler had a superior readied arsenal and two sources of trained militia to draw from - additionally she had the support of native people who were straining at the leash to do her bidding. Without the support of U.S. marines the few annexationists' gunmen would have been no match for the Queen's ready combatants.

A declaration of war against the sprinkling who threatened the throne, including the U.S.S. Boston's soldiery who, if they still persisted to support diminished Stevens-Thurston annexationists, would clearly have exposed the promotion of illicit warfare by the U.S.A. - in violation of international law. In such an event restoring Liliuokalani to power would have involved a relatively simple process of adjudication to settle - and with ample reparations to boot. But warring would have resulted in the flowing of blood and the Queen was absolutely opposed to that kind of degradation. So instead, she capitulated to America's might and formally requested a hearing before the United States Government. Liliuokalani believed that her friend and newly elected President, Grover Cleveland, would be fair in righting the wrong fostered by his predecessor.

There is no doubt that the U.S. Minister committed his Country to unlawful warring at the time of overthrow where, by maxims of internationalism he was mandated to defend the Queen against any forceful uprising against her de facto government. Such, however, was not the bent of John Stevens on January 17, 1893 - but annexation was. Also of interesting retrospect is the fact that most planters and other American businessmen were not a driving force for annexation at the time of takeover - simply because it was doubtful that their personal fortunes would be enhanced by such meddling. The planters and their encompassing enterprises formed the core of Hawaii's total business community during the latter third of Monarchial rulership.

Clause Spreckles, a leading Island producer, openly denounced annexation in May 1893, where he had been one of Stevens' diehard deciples shortly before. Most planters began opposing annexation in early 1892 because they feared U.S. immigration laws would restrict the advantageous labor market open to them via the Monarchy. The following quote in mid 1893 by Spreckles' son Gus best exemplifies the position of the "big business" community at that time: ". . . we can do more profitable business with our contract labor than we could under the law of the United States . . .." Actually there were but a few diehard annexationists remaining to be counted at the time of the Queen's surrender - ones who would shoulder arms in defense of their supposed prerogatives.

Stevens selection for the post of American Minister to Hawaii was not a willy-nilly appointment by any stretch of the imagination - and his adeptness at ordering the deployment of U.S. soldiery to the advantage of the United States on foreign soil was one of his especial attributes - and his intelligence and loyalty to dutywere above reproach. Further pondering on this assignment must also take into scope the date Stevens replaced G. W. Merrill in Honolulu (September 23, 1889) - and the time of a recent-past armed confrontation fought on the grounds of Iolani Palace (June 30, 1889). It is well documented that in this battle personnel and armament off the U.S.S. Adams participated in support of Missionary riflemen who fought to sustain a constitution that was illegally imposed upon King Kalakaua two years earlier. The compact to replace the unlawful writ - the "Bayonette Constitution" of 1887 - was found on the person of insurrectionist leader Robert Wilcox at the close of the single-day shootout in which Hawaiians were wounded and killed.

The participation of American militia in the little 1889 skirmish has been down played in history - but replacing the U.S. Minister so soon thereafter is probably indicative of diplomatic embarrassment that must have accrued to the U.S. therefrom - without positive results. However, from this battle on it is quite clear that the United States was poised to maximize all of its long standing options with which to control the Islands.

The following bits borrowed from the recent book "The Betrayal of Liliuokalani" authored by Helena Allen after more than ten years of diligent research, reflect intelligently upon jingoistic modes to which John Stevens was honed prior to his arrival in Honolulu:

> ". . . James Blaine, Secretary of State (1889) . . . leaned, as many men had from the time of Daniel Webster (1840s) toward the idea that the Hawaii Islands were already a part of the United States and used the real or convenient fear that Great Britain would take the Islands unless the United States did so first.
>
> ". . .Blaine was instrumental in having John L. Stevens replace Merrill as American Minister in Hawaii . . . Stevens had been envoy extraordinary and Minister plenipotentiary to Paraguay and Uruguay in 1870-1874. There he had considered himself a master in calling in American troops to settle an uprising in Paraguay."

The least that can be said of John Louis Stevens is that before coming to the Hawaiian Islands he was already competent in assuring American prerogatives abroad. And it is further clear that when hard decisions were exigent that Stevens possessed the audacity to enforce the dire - acts of war were part of his professional equipage. He also must have withstood tests in other diplomatic respects because his Island commission was his third and most important foreign trust. Success of this assignment due mainly to the lack of quick communications, rested squarely upon his brain and gumption to execute. The use of gunboat diplomacy must also have been one of Stevens agreed-upon choices prior to leaving Washington. Why else was Captain Wiltse of the U.S.S. Boston so ready for war on the say so of the Minister?

In conclusion I ask another question. Can there be any doubt that John Louis Stevens was acting as an official arm of the U.S.A. when he encouraged and then triggered the end of a Pacific Nation? To shed light on somewhat similar recent actions by the U.S. keep in mind that President Lyndon Johnson ordered an invasion of the Dominican Republic to crush leftists' attempts at government overthrow in 1965. And of vintage so new it seems as though it happened yesterday was the secreted invasion ordered by President Reagan against little Grenada in the fall of 1983 which re-postured United States' rights there. Most will remember the foregoing incursions and some will also recall that such as these are well interspersed throughout United States chronology. Another fact worth pondering is that restorative extensions to innocent victims of these little wars have almost always been quickly forthcoming, but somehow rightful atonement for wrongs against Hawaiian people seems to have been avoided in equating the long planned affronts which brought the end to Hawaiian sovereignty.

A big reason for this neglect can be best blamed on wrongful presentations in Hawaiian history - whether intended or not. For instance, one of the strongest arguments against reparations is the contention that Stevens designed and directed the overthrow as a personal accomplishment - and therefore that his acts thereto did not bind his Government. The NHSC Majority Report (Vol. I) of June 23, 1983 - much of which is based on historical sophistry - agrees with erroneous depictions of the leading annexationist involvements of Stevens and with other major inaccuracies of Hawaii's past.

Fortunate, however, most errors in the Majority Report with reference to ending the Hawaiian Monarchy have been righted in a later scholarly NHSC Minority Report (Vol. II). The second treatise has earned a renewed effort by Congress to establish the hard truths of takeover in 1893. In this writer's opinion, no matter what the present investigation by Senator Spark Matsunaga's

U.S. Senate Natural Resources Committee totals to - it will find that the American Minister's actions pertinent to overthrow were official acts of the United States Government. And, if for no other reason than America's insistence on equal treatment for all of her people restorative considerations for Hawaiians will ring better this time around.

I further suggest that a review of international law will enhance the Hawaiian investigation and thereto the following quoted binit is revealing:

> ". . . The international law of agency allows officials
> to act in the name of and with the power of their nation . . .
> The authorizing government is responsible for the action of
> its agents - whether it approved or disapproved such actions."

In closing I make known my unequivocal appreciation for the splendid in-depth work accomplished by authors of the Native Hawaiian Study Commission Report - Volume II. Without their exposure of gross historical errors contained in Volume I the case for Hawaiian rights could be set back another hundred years. My heartfelt thanks to all of Hawaii's Congressmen who unanimously have sided with the accurate NHSC Minority Report over that of the Majority which falls short of compassion and accuracy.

Special thanks to Kinau Kamali'i and those who crammed with her daily and diligently to protect Hawaiian prerogatives through the accomplishment of NHSC Volume II. Their sticktoitiveness and gumption brought this work to completion - but not without great personal sacrifice.

Aloha,

Thomas B. Miles

Thomas B. Miles
P. O. Box 1676
Kamuela, Hi. 96743

Member:
Kamehameha Alumni Assn.
Waimea Hawaiian Civic Club

Nagging Hawaiian Questions

HONOLULU STAR BULLETIN EDITORIAL PAGE FEB. 10, 1983

By Arthur Kaukaohu Trask

SOUND THE ANCIENT drums of shark skins throughout Hawaii in thanks to the *Honolulu Star-Bulletin* for the editorial publication last Jan 6 of the full message of President Grover Cleveland to the Congress in 1893, withdrawing the treaty of annexation.

Its purpose was declared to be "an important message for those wishing to understand Hawaiian demands for reparations, a question under study by Congress."

After 90 years! A historic primacy in journalism in modern Hawaii.

On Jan. 11, the *Star-Bulletin* under title of "The Failing Reagan Presidency," published an editorial of the *New York Times*. The topic sentence was "The stench of failure hangs over Ronald Reagan's White House."

Your sensitive printing of these articles may be regarded as important events to help create some thoughts on the recurrent divergent American philosophy of domestic versus foreign affairs of the stars of this publicity, Cleveland and Reagan. The "Hawaiian question" has never left the forum of American conscience.

NOW, ABOUT "THE STENCH . . ." Well, I did not hold my breath. I read it easily and admiringly. It carried the sweet tradewind of truth for older Americans of the Hoover-Roosevelt era of "forgotten men" and Depression.

But for us in Hawaii, the *Times'* editorial on Reagan's presidency went historically much deeper in political bewilderment.

Every responsible voice in Hawaii, our congressional senators and representatives in leadership, are dismayed by the Reagan-appointed commission on Native Hawaiian Study draft report, finding "that the Native Hawaiian has no legal title to the Hawaiian Islands."

Well, who does? According to the scenario, Ronald Reagan, of course. He has assumed the role of rewriting the "Tale of Two Nations"—the kingdom of Hawaii and the United States of America. Only the Hawaiians and their Kingdom of Hawaii and Queen Liliuokalani are ignored as facts of existence!

This Hollywood rewrite operation enlisted U.S. Navy legal historians to outmaneuver the studied, investigated facts of special Commissioner James Blount confirmed by the State Department legal historians in the message of Cleveland.

WITH THIS PERVERSION of history established, the Reagan "draft report" wallows over 400 pages of irrelevance of the condition of the Hawaiian people in this time of 1982 in economic, social, occupational, educational and political non-well-being to trumpet this masquerade of designed dishonor.

The legacy of colonialism after the overthrow of Queen Liliuokalani.

Now, about the nation and independent Kingdom of Hawaii, and Cleveland and the final infamy of annexation of 1898.

Kamehameha the Great united his people and raised a nation into the enlightened Kingdom of Hawaii in 1795—recognized in the family of nations by the empires of Great Britain, Russia, Japan, France, Italy, Germany, China, Portugal, Spain and the United States of America—unto the overthrow of Queen Liliuokalani in 1893.

Upon the death of Kamehameha II in 1824 in London of measles, King George IV of Great Britain proclaimed his protection of the Kingdom of Hawaii—"and that their internal affairs were their Hawaiian affairs."

And so, when Lord Paulet in breach of British policy of protection toward the nation of Hawaii took control of the kingdom for a few months in 1843, Adm. Richard Thomas under orders of Queen Victoria promptly arrived in Honolulu from Peru, dismissed Paulet and restored the kingdom of Kamehameha III, who proclaimed the motto, "The life of the land is perpetuated by righteousness."

THIS DATE OF 1983 MARKS the 90th year of that American dishonor detailed by President Cleveland upon the impartial and sweeping investigation of Blount and supported by Secretary of State W. Q. Gresham.

Queen Liliuokalani was imprisoned in degradation by the missionary party; Democrat Cleveland was engulfed in a depression and powerless to persuade Republicans William McKinley and Teddy Roosevelt and the missionary party and sugar interests to restore the queen.

To this date, not a dime was paid for the kingdom and Hawaiian star on the American flag to the Hawaiian people!

What happened to the conscience and morality of the American people?

America is the torch of freedom for all men, everywhere, in its revolution from the tyranny of Great Britain in 1776 and in its Constitution of 1787 as a nation is a model for emerging nations.

The American Civil War was the second crisis whether America would be half free and half-slave, ending in 1865 as a nation of freemen.

THE THIRD CRISIS was the "Hawaiian question" debated by Congress from 1893 to annexation in 1898. This third question of crisis in morality and conscience involved whether the traditional American virtue of freedom for all men shall be forfeited by taking over friendly and defenseless nations of Cuba, Puerto Rico, Virgin Islands, Mexico, Central America, Philippine Islands and the Kingdom of Hawaii — for greed of the Yankee trader.

In 1898 President McKinley and the Republicans launched America into a colonial empire. Politically it was styled "Carrying the white man's burden," which was stealing other peoples' properties'

The Philippines were given back their freedom and destiny in 1946.

The Kingdom of Hawaii remains in the wing of history awaiting Cleveland's assurance to Queen Liliuokalani of "American right and justice."

NOW, HAWAII IS THE 50TH STATE of the Union of States. Uniquely American, yet indigenously Hawaiian we have welcomed generously in aloha tradition the rejected aliens of China, Portugal, Japan, Russia, Puerto Rico, Korea and the Philippines into Americanization.

Yet, the Hawaiian remains aloof. Poetically he prays to his gods: This is my own, my native land, tell the stranger to go his way and leave me what belongs to me. Hawaii is a state but the native is a psychic colonist.

Tha Hawaiian is a stranger in his native land — wrenched by an overwhelmingly grasping alien civilization which still has him bewildered.

The "Hawaiian question" will not go away. The world knows that Cleveland called the overthrow "outrageous" even after annexation in 1898. It must not be allowed to gnaw at the American conscience as its honor and credibility in this tumultuously differing cultured peoples of the Pacific world who think fondly of Hawaii, as Hawaiian first, and then American.

The East-West Center in Honolulu is a propaganda American campus to teach American studies. Hawaii is perhaps America's refreshing tradewind of peace.

Whether Queen Liliuokalani was right to wait for American justice is a repulsive inquiry. Her consort was an American and naturalized Hawaiian citizen. She knew Cleveland in Washington in 1887, returning from the Golden Jubilee of Victoria in London. Cleveland told her in 1897, at the White House, that he threw the papers of the missionary party for annexation into the waste basket. Yet after 90 gross years of Hawaiian degradation of waiting, what shall be the action of this "race of strong, strange, fascinating, kindly, romantic people" as Mark Twain called them?

MY VIEW IS THIS. The drama is extraordinary in world history. America is beautiful in its ideal of the dignity of man. Hawaii lived and lives this ideal as a fact of life. Life being evolutionary and politics being American, it is a fascinating enterprise for us Hawaiians as an oceanic people to look into the eyes of all Americans and say:

Hawaiians feel, with statehood and our sensible peoples, that they have reason to believe that the genius and flexibility of American law and love for justice will be achieved, and soon.

For the foregoing reasons, no conflagration of eloquence is needed to condemn the "draft report" as a stench of political pollution which demands editing consonant with historical truth before congressional reading, on President Cleveland's demand of restoration, damages and reparations to Queen Liliuokalani and her native Hawaiian people.

Today in History

TODAY IS THURSDAY, Feb. 10, the 41st day of 1983. There are 324 days left in the year.

TODAY'S HIGHLIGHT in history.

On Feb. 10, 1964, the House of Representatives passed the Civil Rights Act.

ONE YEAR AGO: Federal Reserve Board chairman Paul Volcker said the central bank would continue a tight monetary policy to fight inflation.

TODAY'S BIRTHDAY: Opera singer Leontyne Price is 56.

THOUGHT FOR TODAY: Nothing can harm a good man, either in life or death. — Socrates, Greek philosopher, 469 B.C.-399 B.C.

— The Associated Press

Jim

Official Committee File

OFFICE OF
COUNTY CLERK
200 SOUTH HIGH STREET
WAILUKU, HAWAII 96793

SENATE COMMITTEE ON
ENERGY [illegible] RESOURCES
RECEIVED
APR 30 1984
[illegible]

April 24, 1984

TO: Honorable James McClure, Chairperson
Committee on Energy and Natural Resources
United States Senate

We transmit herewith RESOLUTION NO. 84-64, adopted by the Council of the County of Maui, State of Hawaii, on the date so certified.

Very truly yours,

COUNTY CLERK

Enc.

Resolution

No 84-64 Introduced By E. LEE LIU Councilmember

A RESOLUTION RESPECTFULLY URGING THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE UNITED STATES HOUSE TO FORMALLY REJECT ENUMERATED SECTIONS OF THE FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION, VOLUME I

WHEREAS, the Council of the County of Maui has a deep and abiding commitment to the enhancement and protection of the rights and interests of her citizens; and

WHEREAS, this commitment can and, appropriately, should extend to an examination of other governmental documents and studies which impact on the well-being of our community and responses to their demonstrated needs; and

WHEREAS, the Final Report of the Native Hawaiians Study Commission, as a Congressionally-mandated inquiry (P.L. 96-565, "Title III") charged to "study the culture, needs, and concerns of Native Hawaiians" to provide guidance on possible federal responses in identified areas affecting the rights and interests of our citizens; and

WHEREAS, Volume I of this Final Report, unless refuted and formally rejected in substantial measure, will do harm and injustice to all members of the State of Hawai'i; and

WHEREAS, such a rejection is hereby offered and recommended to the United States Senate Committee on Energy and Natural Resources and to the Committee on Interior and Insular Affairs of the United States House in the following areas:

COUNCIL OF THE COUNTY OF MAUI
STATE OF HAWAII
WAILUKU, HAWAII 96793

1. "Approach and Methodology," pages 1-8;
2. "Conclusions and Recommendations," pages 21-23;
3. "Ancient History to Reciprocity," pages 147-172;
4. "Land Laws and Land Relationships," pages 251-264;
5. "Diplomatic and Congressional History: From Monarchy to Statehood," pages 265-332;
6. "Existing Law, Native Hawaiians, and Compensation," pages 333-370; and
7. "Review of Hawaiian Homes Commission Programs," pages 371-418.

WHEREAS, it is incumbent on the County of Maui to share its reasons and justification in sufficient but not overwhelming detail with the Congress in making this request, we note that Volume I is fatally-flawed by its:

*Research methodology;

*Historical interpretation;

*Legal analysis;

*Adversarial bias; and

*Misunderstanding of Native Hawaiian culture; and

WHEREAS, as a consequence, Volume I reflects and incorporates fundamental misinterpretations of the history of Hawai'i, misapplies American Indian law to the Native Hawaiian experience to the detriment of both peoples, forces legal analyses which jeopardize the whole body of claims and settlement precedents as appropriate remedies for past wrongs, and denies the fundamental precept of justice through law; and

WHEREAS, such errors and their use as the basis for findings, conclusions, and recommendations to the Congress of the United States of America cannot be permitted to stand unchallenged and uncorrected in national records and as the source for possible future determinations of fact or action by the national government; now, therefore,

BE IT RESOLVED by the Council of the County of Maui that it respectfully urges the United States Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House to formally reject those portions of the Final Report of the Native Hawaiians Study Commission, Volume I, enumerated in the body of this document, including the entirety of the conclusions and recommendations included in that volume; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the Honorable James McClure, U. S. Senator and Chairperson of the Committee on Energy and Natural Resources; the Honorable Morris K. Udall, U. S. Representative and Chairperson of the Committee on Interior and Insular Affairs; the Honorable Spark M. Matsunaga, U. S. Senator; the Honorable Daniel K. Inouye, U. S. Senator; the Honorable Cecil Heftel, U. S. Representative; the Honorable Daniel K. Akaka, U. S. Representative; Native Hawaiians Study Commission Chairperson Kina'u Boyd Kamali'i; Office of Hawaiian Affairs Board of Trustees Chairperson Joseph Kealoha; and to the news media of the County of Maui.

COUNCIL OF THE COUNTY OF MAUI
WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui State of Hawaii, on the 19th day of April, 1984 by the following vote:

MEMBERS	Abraham AIONA	Howard S. KIHUNE Vice-Chairman	Linda LINGLE	E. Lee LIU	Ricardo MEDINA	Wayne K. NISHIKI	Charles S. OTA	Velma M. SANTOS	Goro HOKAMA Chairman
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

COUNTY CLERK

COUNCIL

RAYMOND P. DUVAUCHELLE, Chairman
PAULA ISHII, Vice-Chairman
BILL KAIPO ASING
JESSE FUKUSHIMA
JEREMY HARRIS
RONALD D. KOUCHI
EDWARD SARITA

Jim
JEROME Y. HEW
COUNTY CLERK

C. BUNJI SHIMOMURA
DEPUTY CLERK

OFFICE OF THE COUNTY CLERK
4396 RICE STREET
LIHUE, KAUAI, HI 96766
TELEPHONE (808) 245-4785

Official Committee File

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
MAY 1 1984

April 24, 1984

Senator James McClure, Chairperson
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
Dirksen Senate Building, Suite 360
Washington, D. C. 20510

Dear Sir:

As directed, we transmit a copy of Resolution No. 159 entitled A RESOLUTION RESPECTFULLY URGING THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE UNITED STATES HOUSE TO FORMALLY REJECT ENUMERATED SECTIONS OF THE FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION, VOLUME I, which was adopted by the Kauai County Council at its meeting held on April 19, 1984.

Very truly yours,

fr C. B. Shimomura
JEROME Y. K. HEW
County Clerk

/hs

Attachment

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution NO. 159 (84)

A RESOLUTION RESPECTFULLY URGING THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE UNITED STATES HOUSE TO FORMALLY REJECT ENUMERATED SECTIONS OF THE FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION, VOLUME I.

WHEREAS, The Council of County of Kauai has a deep and abiding commitment to the enhancement and protection of the rights and interests of all its citizens; and

WHEREAS, This commitment can and, appropriately should extend to an examination of other governmental documents and studies which impact on the well-being of our community and to their needs; and

WHEREAS, The Final Report, dated June 23, 1983 of the Native Hawaiians Study Commission, a Congressionally-mandated inquiry (P.L. 96-565, "Tile III") to "study the culture, needs and concerns of Native Hawaiians" to provide guidance on possible federal responses in identified areas affecting the rights and interests of our citizens; and

WHEREAS, Volume I of this Final Report contains many errors and inaccuracies which are specifically reflected in Volume II; and

WHEREAS, Unless these errors and inaccuracies are refuted and formally rejected it will do harm and injustice to the people of the State of Hawai'i; and

WHEREAS, Volume II offered specific point by point refutation in the following areas:

(1) "Approach and Methodology," pages 1-8;

(2) "Conclusions and Recommendations," pages 21-32;

(3) "Ancient History to Reciprocity," pages 147-172;

(4) "Land Laws and Land Relationships," pages 251-264;

(5) "Diplomatic and Congressional History: From Monarchy to Statehood," pages 265-332;

(6) "Existing Law, Native Hawaiians, and Compensation," pages 333-370; and

(7) "Review of Hawaiian Homes Commission Programs," pages 371-418.

WHEREAS, The Council of County of Kauai shares the concerns raised in Volume II of this report and notes that Volume I contains a fundamental misinterpretation of the history of Hawai'i, misapplies American Indian Law to the Native Hawaiian experience, forces legal and analyses which jeopardizes the whole body of claims and settlement precedents and thereby denies justice to the Hawaiian people; and

WHEREAS, Such errors and their use as the basis for findings, conclusions, and recommendations to the Congress of the United States of America must not be permitted to stand unchallenged and uncorrected in national records and as the source for possible future determinations of fact or action by the national government; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, That it respectfully urges the United States Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House of Representatives to formally reject those portions of the Final Report of the Native Hawaiians Study Commission, Volume I, enumerated in the body of said volume, including the entirety of the conclusions and recommendations included in said volume.

BE IT FURTHER RESOLVED, That certified copies of this Resolution be transmitted to Senator James McClure, Chairperson of the Senate Committee on Energy and Natural Resources; Congressman Morris K. Udall, Chairperson of the House Committee on Interior and Insular Affairs; Senators Spark M. Matsunaga and Daniel K. Inouye; Congressmen Cecil Heftel and Daniel Akaka; Native Hawaiians Study Commission Chairperson Kina'u Boyd Kamali'i; and Office of Hawaiian Affairs Board of Trustees Chairperson Joseph Kealoha.

Introduced By: RAYMOND P. DUVAUCHELLE
Councilman

Approved:

Raymond P. Duvauchelle
Chairman

Paula Morikami
Councilman

Councilman

Councilman

Jesse F.
Councilman

Councilman

Councilman

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We hereby certify that Resolution No. 159 was adopted by the Council of the County of Kauai, Lihue, Kauai, Hawaii, on April 19, 1984

Jerome Y. K. Hew
County Clerk

Chairman & Presiding Officer

Dated 4/19/84

Jim

Official Committee File

COUNTY COUNCIL
County of Hawaii
Hawaii County Building
Hilo, Hawaii 96720

JAMES L.K. DAHLBERG
FRANK DE LUZ, III
TAKASHI DOMINGO
TOMIO FUJII
HELÉNE H. HALE
WILLIAM S. KAWAHARA
MERLE K. LAI
Council Members

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
APR 27 1984
WASHINGTON, D.C. 20510

April 18, 1984

Honorable James McClure, Chairperson
Senate Committee on Energy and Natural Resources
360 Dirksen Senate Office Building
Washington, D. C. 20510

Enclosed is a copy of Resolution No. 880-84 which was adopted by the Council of the County of Hawaii, on April 18, 1984.

R. B. Legaspi
R. B. Legaspi
COUNTY CLERK

Encl.

County of Hawaii–State of Hawaii

Resolution No. 880 84

A RESOLUTION RESPECTFULLY URGING THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE UNITED STATES HOUSE TO FORMALLY REJECT ENUMERATED SECTIONS OF THE FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION, VOLUME I.

WHEREAS, the Council of the County of Hawaii has a deep and abiding commitment to the enhancement and protection of the rights and interests of her citizens; and

WHEREAS, this commitment can and, appropriately should extend to an examination of other governmental documents and studies which impact on the well-being of our community and responses to their demonstrated needs; and

WHEREAS, the Final Report of the Native Hawaiians Study Commission, as a Congressionally-mandated inquiry (P. L. 96-565, "Title III") charges to "study the culture, needs, and concerns of Native Hawaiians" and to provide guidance on possible federal responses in identified areas affecting the rights and interests of our citizens; and

WHEREAS, such a rejection is hereby offered and recommended to the United States Senate Committee on Energy and Natural Resources and to the Committee on Interior and Insular Affairs of the United States House in the following areas:

1. "Approach and Methodology," pages 1-8;
2. "Conclusions and Recommendations," pages 21-32;
3. "Ancient History to Reciprocity," pages 147-172;
4. "Land Laws and Land Relationships," pages 251-264;
5. "Diplomatic and Congressional History: From Monarchy to Statehood," pages 265-332;
6. Existing Law, Native Hawaiians, and Compensation," pages 333-370; and
7. "Review of Hawaiian Homes Commission Programs," pages 371-418.

County of Hawaii to share its reasons and justification in sufficient but not overwhelming detail with the Congress in making this request, we note that Volume I is fatally-flawed by its:

- Research methodology;
- Historical interpretation;
- Legal analysis;
- Adversarial bias; and
- Misunderstanding of Native Hawaiian Culture; and

WHEREAS, as a consequence, Volume I reflects and incorporates fundamental misinterpretations of the history of Hawai'i, misapplies American Indian law to the Native Hawaiian experience to the detriment of both peoples, forces legal analyses which jeopardize the whole body of claims and settlement precedents as appropriate remedies for past wrongs, and denies the fundamental precept of justice through law; and

WHEREAS, such errors and their use as the basis for findings, conclusions, and recommendations to the Congress of the United States of America cannot be permitted to stand unchallenged and uncorrected in national records and as the source for possible future determinations of fact or action by the national government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII that it respectfully urges the United States Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House of Representatives reject those portions of the Final Report of the Native Hawaiians Study Commission, Volume I, enumerated in the body of said Volume, including the entirety of the conclusions and recommendations included in said volume.

BE IT FURTHER RESOLVED that the Clerk of the County of Hawaii transmit certified copies of this resolution to Senator James McClure, Chairperson of the Senate Committee on Energy and Natural Resources, Congressman Morris K. Udall, Chairperson of the House Committee on Interior and Insular Affairs, Senators Spark M. Matsunaga and Daniel K. Inouye, Congressmen Cecil Heftel and Daniel Akaka, Native Hawaiians Study Commission Chairperson Kina'u Boyd Kamali' i, Office of Hawaiian Affairs Board of Trustees Chairperson Joseph Kealoha, and to the news media of Hilo.

Dated at Hilo, Hawaii, this 18th day of April, 1984.

INTRODUCED BY:

Takeshi Domingo
Council Member, County of Hawaii

COUNTY COUNCIL
County of Hawaii
Hilo, Hawaii

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawaii on

April 18, 1984

ATTEST:

R. T. Legaspi
COUNTY CLERK

CHAIRMAN & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	A/E
Dahlberg			X
De Luz, III	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	8	0	1

Reference: C-1545/PC- 329

M.B. No

RESOLUTION NO 880 84

HPACH
919 4th Street
Pearl City, Hawaii 96782

May 7, 1984

Senator Spark M. Matsunaga and
Committee members,
Committee on Energy and Natural Resources,
United States Senate

Aloha kakou,

It is with great pleasure that the Hawaiian Political Action Council of Hawaii participates in expressing its concerns on the finale report of the "Native Hawaiians Study Commission Report, Volume I & II".

HPACH finds Volume I to be a one sided report that insults the dignity and honor of the Hawaiian people as Native Hawaiians and American citizens. Although Volume II does not give the full picture of the illegal overthrown of Queen Liliuokalani, HPACH supports the finding of Volume II of the Native Hawaiians Study Commission Report.

HPACH submits the following findings as part of its report on the illegal overthrow of Queen Liliuokalani that proves beyond any doubt of America's direct involvement in the illegal overthrow and annexation of Hawaii.

Page A-1,	Queen Liliuokalani's speech of January 17, 1893 when she yielded to the superior force of the United States
Page B-1,	Photo from page 60, Volume II of the Native Hawaiians Study Commission Report
Pages C-1 to C-16,	President Grover Cleveland's message to Congress on December 18, 1893

The "Act of War" that President Cleveland speaks about continues till this day. An "Act of War" on the vested land rights of the Native Hawaiian people that must be stopped not only now, but must never be allowed to happen once more in the future. An "Act of War" that continues to make the Native Hawaiian a landless people in their own ancestral home lands.

HPACH supports the restoration of the vested land rights of the Native Hawaiian people. Land rights that will make the Native Hawaiians their own administrators of their native lands.

HPACH
919 4th Street
Pearl City, Hawaii 96782

HPACH further supports Congressional recognition of the Native Hawaiian people as a "Sovereign Nation Within A Nation". A "Sovereign Nation Within A Nation" that has the same rights to governs its people as a State within A Nation.

In her speech (A-1), Queen Liliuokalani seeked the reinstatement of her authority as the constitutional sovereign of the Hawaiian Islands. Only thru Congressional recognition of Native Hawaiian sovereignty can the past wrong be justified today.

HPACH further supports the immediate building of a Native Hawaiian university named after President Grover Cleveland to honor his support of Queen Liliuokalani quest for American justice in the illegal overthrow on 1893.

HPACH stands by to assist in further discussions dealing with the sovereign rights of the Native Hawaiian people

"HANA LIKE KAKOU"
Richard Pomaikai Kinney
Richard Pomaikaiokalani Kinney
SOVEREIGN Director, HPACH

Ellie Kupau
Ellie Kupau
ALII Director, HPACH

Pleiades C. Lorch
Pleiades Colburn Lorch
ALII Director, HPACH

HPACH
919 4th Street
Pearl City, Hawaii 96782

On January 17, 1893 at six P.M., Queen Liliuokalani yielded:

".....I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

That I yield to the superior force of the United States of America, whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu, and declared that he would support the said Provisional Government.

Now, to avoid any collision of armed forces, and perhaps the loss of life, I do, under this protest and impelled by said forces, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representative, and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands....."

(Signed) Liliuokalani R.

(Signed) Samuel Parker,
Minister of Foreign Affairs.

(Signed) Wm. H. Cornwell,
Minister of Finance.

(Signed) John F. Colburn,
Minister of Interior

(Signed) A.P. Peterson,
Attorney-General

NOTE: Speech from HAWAII'S STORY by Hawaii's Queen, page 387

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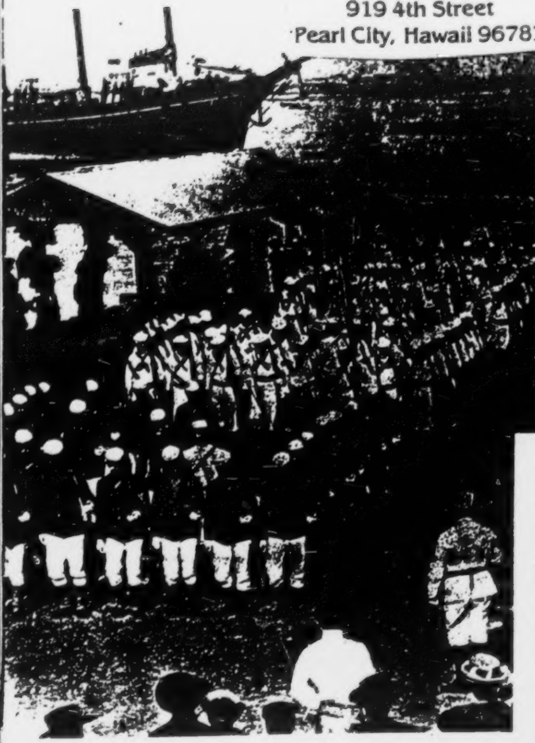

American marines and sailors landing in Honolulu. The U.S.S. Boston is in the background.

CAPTAIN WILTSE B.C.

HPACH
919 4th Street
Pearl City, Hawaii 96782

On December 18, 1893, President Grover Cleveland delivered the following message to Congress. It is an important message for those wishing to understand Hawaiian demands for justice......

By President Grover Cleveland

".....**IN MY RECENT** annual message to the Congress I briefly referred to our relations with Hawaii and expressed the intention of transmitting further information on the subject when additonal advices permitted.

Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii and now standing in the way of a solution through executive action of the problem presented, render it proper, and expedient, that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

I suppose that right and justice should determine the path to be followed in treating this subject. If national honesty is to be disregarded and a desire for territorial extension, or dissatisfaction with a form of government not our own, ought to regulate our conduct, I have entirely misapprehended the mission and character of our government and behavior which the consicience of our people demands of their public servants.

WHEN THE PRESENT administration entered upon its duties, the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. Surely under our Constitution and laws the enlargement of our limits is a manifestation of the highest attribute of sovereignty, and if entered upon as an executive act, all things relating to the transaction should be clear and free from suspicion. Additional importance attached to this particular treaty of annexation, because it contemplated a departure from unbroken American tradition in providing for the addition to our territory of islands of the sea more than 2,000 miles removed from our nearest coast.

These considerations might not of themselves call for interference with the completion of a treaty entered upon by a previous administration. But it appeared from the documents accompanying the treaty when submitted to the Senate, that the ownership of Hawaii was tendered to us by a provisional government set up to succeed the constitutional ruler of the islands, who had been dethroned, and it did not appear that such provisional government had the sanction of either popular revolution or suffrage.

TWO OTHER REMARKABLE features of the transaction naturally attracted attention. One was the extraordinary haste-not to say precipitancy-characterizing all the transactions connected with the treaty. It appeared that a so-called Committee of Safety, ostensibly the source of the revolt against the constitutional government of Hawaii, was organized on Saturday, the 14th day of January; that on Monday the 16th, the United States forces were landed at Honolulu from a naval vessel lying in its harbor; that on the 17th the scheme of a provisional government was perfected, and a proclamation naming its officers was on the same day prepared and read at the government building; that immediately thereupon the United States minister (John L. STevens) recognized the provisional government thus created; that two days afterwards, on the 19th day of January, commissioners representing such government sailed for this country in a steamer espcially chartered for the occasion, arriving in San Francisco on the 28th day of January and in Washington on the 3rd day of February; that on the next day they had their first interview with the secretary of state (John W. Foster), and another on the 11th, when the treaty of annexation was practically agreed upon, and that on the 14th it was formally concluded and on the 15th transmitted to the Seanate.

THUS BETWEEN the initiation of the scheme for a provisional government in Hawaii on the 14th day of January and the submission to the Seante of the treaty of annexation concluded with such government, the entire interval was 32 days, 15 of which were spent by the Hawaiian commissioners in their journey to Washington.

In the next place, upon the face of the papers submitted with the treaty, it clearly appeared that there was open and undetermined an issue of fact of the most vital importance. The message of the president (Harrison) accompanying the treaty declared that "the overthrow of the monarchy was not in any way promoted by this government," and in a letter to the president from the secretary of state, also submitted to the Senate with the treaty, the following passage occurs;

"At the time the provisional government took possession of the government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the provisional government by the United States minister until after the queen's abdication and when they were in effective possession of the government buildings, the archives, the treasury, the barracks, the police station, and all the potential machinery of the government."

BUT A PROTEST also accompanied said treaty, signed by the queen (Liliuokalani) and her ministers at the time she made way for the provisional government, which explicitly stated that she yielded to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support such provisional government.

The truth or falsity of this protest was surely of the first importance. If true, nothing but the concealment of its truth could induce our government to negotiate with the semblace of a government thus created, nor could a treaty resulting from the acts stated in the protest have been knowingly deemed worthy of consideration by the Senate. Yet the truth or falsity of the protest had not been investigated.

I conceived it to be my duty therefore to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial investigation to be made of the facts attending the subversion of the constitutional government of Hawaii, and the installment in its place of the provisional government.

I selected for the work of investigation the Hon. James H. Blount, of Georgia, whose service of 18 years as a member of the House of Representatives, and whose experience as chairman of the Committee of Foreign Affairs in that body, and his consequent familiarity with international topics, joined with his high charater and honorable reputation, seemed to render him peculiarly fitted for the duties entrusted to him. His report detailing his action under the instructions given to him and the conslusions derived from his investigation accompany this message.

THESE CONCLUSIONS do not rest for their acceptance entirely upon Mr. Blount's honesty and ability as a man, nor upon his acumen and impartiality as an investigator. They are accompanied by the evidence upon which they are based, which evidence is also herewith transmitted, and from which it seems to me no other deductions could possible be reached than those arrived at by the commissioner.

The report with its accompanying proofs, and such other evidence as is now before the Congress or is herewith submitted, justifies in my opinion the statement that when the president (Harrison) was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this government," and when the Senate was induced to receive and discuss it on that basis, both president and Senate were misled.

The attempt will not be made in this communication to touch upon all the facts which throw light upon the progress and consummation of this scheme of annexation. A very brief and imperfect reference to the facts and evidence at hand will exhibit its character and the incidents in which it had its birth.

It is unnecessary to set forth the reasons which in January 1893 led a considerable proportion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the United States.

IT IS SUFFICIENT to note the fact and to observe that the project was one which was zealouly promoted by the minister representing the United States in that country.

He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconveniently scrupulous as to the means employed to that end.

On the 19th day of November, 1892, nearly two months before the first overt act tending towards the subversion of the Hawaiian government and the attemplted transfer of Hawaiian territory to the United States, he addressed a long letter to the secretary of state in which the case for annexation was elaborately argued, on moral, political, and economical grounds.

He refers to the loss to the Hawaiian sugar interests from the operation of the McKinley bill, and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted.

He strongly inveighs against the existing Hawaiian government and emphatically declares for annexation.

He says: "In truth the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government -- an abstruction to the prosperity and progress of the islands."

HE FURTHER SAYS: "As a crown colony of Great Britain or a territory of the United States the government modifications could be made readily and good administration of the law secured.

"Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day must be responsible for the government of these islands. Under a territorial government they could be as easily governed as any of the existing territories of the United States.

"Hawaii has reached the parting of the ways. She must now take the road which leads to Asia, or the other which outlets her in America, gives her an American civilization, and binds her to the care of American destiny.'

He also declares: "One of two courses seems to be absolutely necessary to be followed, either bold and vigorous measures for annexation or a 'customs union,' an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not expressly stipulated American protectorate over the islands. I beleive the former to be the better, that which will prove much the more advantageous to the islands, and the cheapest and least embarrassing in the end to the United States.

"If it was wise for United States through Secretary (William L.) Marcy 38 years ago to offer to expend $100,000 to secure a treaty of annexation, it certainly cannot be chimerical or unwise to expend $100,00 to secure annexation in the near future.

"Today the United States has five times the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then. I cannot refrain from expressing the opinion with emphasis that the golden hour is near at hand."

THESE DECLARATIONS certainly show a disposition and condition of mind, which may be usefully recalled when interpreting the significance of the minister's conceded acts or when considering the probabilities of such conduct on his part as may be admitted.

In this view it seems proper to also quote from a letter written by the minister to the secretary of state on the 8th day of March, 1892, nearly a year prior to the first step taken toward annexation. After stating the possibility that the existing government of Hawaii might be overturned by an orderly and peaceful revolution, Minister Stevens writes as follows: "Ordinarily in like circumstances, the rule seems to be limit the landing and movement of United States forces in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens. But as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present minister and naval commander may deviate from established international rules and precedents in the contingencies indicated in the first part of this dispatch."

TO A MINISTER of this temper full of zeal for annexation there seemed to arise in January 1893 the precise opportunity for which he was watchfully waiting - an opportunity which by timely "deviation from established international rules and precedents" might be improved to successfully accomplish the great object in view; and we quite prepared for the exultant enthusiasm with which in a letter to the State Department dated Feb. 1, 1893, he declares: "The Hawaiian pear is now fully ripe and this is the golden hour for the United States to pluck it."

As a further illustration of the activity of this dipolmatic representative, attention is called to the fact that on the day the above letter was written, apparently unable longer to restrain his ardor, he issued a proclamation whereby "in the name of the United States" he assumed the protection of the Hawaiian Islands and declared that said action was "taken pending and subject to negotiations at Washington."

Of course this assumption of a protectorate was promptly disavowed by our government, but the American flag remained over the government building at Honolulu and the forces remained on guard until April and after Mr. Blount's arrival on the scene, when both were removed.

A BRIEF STATEMENT of the occurences that led to the subversion of the constitutional government of Hawaii in the interest of annexations to the United States will exhibit the true complexion of that transaction.

On Saturday, Jan. 14, 1893, the queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and remonstrances of her Cabinet, renounced the project for the present at least.

Taking this relinquished purpose as a basis of action, citizens of Honolulu numbering from 50 to 100, mostly resident aliens, met in a private office and selected a so-called

Committee of Safety, composed of 13 persons] seven of whom were subjects, and consisted of five Americans, one Englishman, and one German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United Staetes, and between Saturday, the 14th, and the following Monday, the 16th of January-though exactly what action was taken may be clearly disclosed-they were certainly in communication with the United States minister.

On Monday morning the queen and her Cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument. Nevertheless, at the call and under the auspices of the Committee of Safety, a mass meeting was held on that day to protest against the queen's alleged illegal and unlawful proceedings and purposes.

EVEN AT THIS MEETING the Committee of Safety continued to disguise their real purpose and contented themselves with procuring the passage of a resoltuion denouncing the queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii."

This meeting adjourned between 3 and 4 o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the United States minister, addressed him a note representing that the public safety was menaced and that lives and property were in danger and concluded as follow: "We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces." Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable.

When the note was written and delivered, the committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became so panic-stricken at their position that they sent some of their number to interview the minister and request him not to land the United States forces till the next morning. But he replied that the troops had been ordered and whether the committee were ready or not the landing should take place.

AND SO IT happened that on the 16th day of January, 1893, between 4 and 5 o'clock in the afternoon, a detachment of Marines from the United States steamer Boston, with two pieces of artillery, landed at Honolulu.

The men, upwards to 160 in all, were supplied with double cartidge belts filled with ammunition and haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies.

This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the government of Hawaii or for the bona fide purpose of protecting the imperilled lives and property of citizens of the United States.

But there is no pretense of any such consent on the part of the government of the queen, which at that time was undisputed and was both the de facto and the de jure government.

In point of fact the existing government instead of requesting the presence of an armed force protested against it.

There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to command the Hawaiian government building and palace.

ADM.(J.N.) SKERRETT, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens whose residences and places of business, as well as the legation and consulate, were in a distant part of the city, but the location selected was a wise one if the forces were landed for the purpose of supporting the provisional government.

If any peril of life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction.

When these armed men were landed, the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter, Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquillity, except the landing of the Boston's Marines and their march through the town to the quarters assigned them.

Indeed, the fact that after having called for the landing of United States forces on the plea of danger to life and property the Committee of Safety themselves requested the minister to postpone action, exposed the untruthfulness of their representations of present peril to life and property.

THE PERIL THEY SAW was an anticipation growing out of guilt intentions on their part and something which, though not then existing, they knew would certainly follow their attempt to overthrow the government of the queen without the aid of the United States forces.

Thus it appears taht Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands or of anybody else so far as shown, except the United States Minister.

Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

The United States forces being now on the scene and favorably stationed, the committee proceeded to carry out their original scheme. They met the next morning, Tuesday, the 17th, perfected the plan of temporary government, and fixed upon its principal officers, 10 of whom were drawn from the 13 members of the Committee of Safety. Between 1 and 2 o'clock by squads and by different routes to avoid notice, and having first taken the precaution of ascertaining whether there was any one there to oppose them, they proceeded to the government building to proclaim the new government.

NO SIGN OF OPPOSITION was manifest, and thereupon an American citizen began to read the proclamation from the steps of the government building almost without auditors. It is said that before the reading was finished quite a concourse of persons, variously estimated at from 50 to 100, some armed and some unarmed, gathered about the committee to give them aid and confidence.

This statement is not important, since the one controlling factor in the whole affair was unquestionably the United States Marines, who, drawn up under arms and with artillery in readiness only 76 yards distant, dominated the situation.

The provisional government thus proclaimed was by the terms of the proclamation "to exist until terms of union with United States had been negotiated and agreed upon." The United States minister, pursuant to prior agreement, recognized this government within an hour after the reading of the proclamation, and before 5 o'clock, in answer to an inquiry on behalf of the queen and her Cabinet, announced that he had done so.

When our minister recognized the provisional government the only basis upon which it rested was the fact that the Committee of Safety had in the manner above stated declared it to exist. It was neither a government de facto nor de jure.

THAT IT WAS NOT in such possession of the government property and agencies as entitled it to recognition is conclusively proved by a note found in the files of the legation at Honolulu addressed by the declared head of the provisional government to Minister Stevens, dated Jan. 17, 1893, in which he acknowledges with expressions of appreciation the minister's recognition of the provisional government, and states that it is not yet in the possession of the station house (the place where a large number of the queen's troops were quartered), though the same had been demanded of the queen's officers in charge.

Nevertheless, this wrongful recognition by our minister placed the government of the queen in a position of most perilous perplexity.

On the one hand she had possession of the palace, of the barracks, and of the police station, and had at her command at least 500 fully armed men and several pieces of artillery. Indeen, the whole military force of her kingdom was on her side and at her disposal, while the Committee of Safety, by actual search, had discovered that there were but very few arms in Honolulu that were not in the service of the government.

IN THIS STATE of things if the queen could have dealt with the insurgents alone her course would have been plain and the result unmistakable.

But the United States had allied itself with her enemies, had recognized them as the true government of Hawaii, and had her and her adherents in the position of opposition against lawful authority. She knew that she could not withstand the power of the United States, but she believed that she might safely trust to its justice.

Accordingly, some hours after the recognition of the provisional government by the United States minister, the palace, the barracks, and the police station, with all the military resources of the country, were delivered up by the queen upon the representation made to her that her cause would thereafter be reviewed at Washington, and while protesting that she surrendered to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support the provisional government, and that she yielded her authority to prevent collision of armed forces and loss of life and only until such time as the United States, upon the facts being presented to it, should updo the action of its representative and reinstate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

THIS PROTEST was delivered to the chief of the provisional government, who endorsed thereon his acknowledgment of its receipt. The terms of the protest were read without dissent by those assuming to constitute the provisional government, who were certainly charged with the knowledge that the queen instead of finally abandoning her power had appealed to the justice of the United States for reinstatement in her authority: and yet the provisional government with this unanswered protest in its hand hastened to negotiate with the United States for the permanent banishment of the queen from power and for a sale of her kingdom.

Our country was in danger of occupying the position of having actually set up a temporary government on foreign soil for the purpose of acquiring through that agency territory which we had wrongfully put in its possession.

The control of both sides of a bargain acquired in such a manner is called by familiar and unpleasant name when found in private transactions.

We are not witout a precedent showing how scrupulously we avoided such accusations in former days. After the people of Texas had declared their independence of Mexico they resolved that on the acknowledgment of their independence by the United States they would seek admission into the Union.

Several months after the battle of San Jacinto, by which Texas independence was practically asured and establsihed, President Jackson declined to recognize it, alleging as one of his reasons that in the circumstances it became us "to beware of a too early movement, as it might subject us however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves." This is in marked contrast with the hasty recognition of a government openly and concededly set up for the purpose of tendering to us territorial annexation.

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I BELIEVE THAT a candid and thorough examination of the facts will force the conviction that the provisional government owes its existence to an armed invasion by the United States. Fair-minded people with the evidence before them will hardly claim that the Hawaiian government was overthrown by the people of the islands or that the provisional government had ever existed with their consent. I do not understand that any member of this government claims that the people would up hold it by their suffrages if they were allowed to vote on the question.

While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves; and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people.

For illustration of this rule I need only to refer to the revolution in Brazil in 1889, when our minister was instructed to recognize the republic "so soon as a majority of the people of Brazil should have signified their assent to its establishment and maintenance"; to the revolution in Chile in 1891, when our minister was directed to recognize the new government "if is was accepted by the people", and to the revolution in Venezuela in 1892, when our recognition was accorded on condition that the new government was "fully established in possession of the power of the nation, and accepted by the people."

AS I APPREHEND the situation, we are brought face to face with the following condition:

The lawful government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the Unite States acting through its diplomatic and naval representatives.

But for the notorious predilections of the United States minister for annexation, the Committee of Safety, which should be called the Committee for Annexations, would never have existed.

But for the landing of the United States forces upon false pretexts respecting the danger to life and property, the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the queen's government.

But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the provisional government from the steps of the government building.

And finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Stevens' recognition of the provisional government when the United States forces were its sole support and constituted its only military strength, the queen and her government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.

BELIEVING, THEREFORE, that the United States could not, under the circumstances disclosed, annex the Islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister (Albert S.) Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.

But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.

By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the government of a feeble but friendly and confiding people has been overthrown.

A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair.

THE PROVISIONAL GOVERNMENT has not assumed a republican or other constitutional form, but has remained a mere exective council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.

The law of nations if founded upon reason and justice, and the rules of conduct governing individual realtions between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement, and that abedience to its commands practically depends upon good faith, instead of upon the mandate of superior tribunal, only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace

A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities; and the United States in aiming to maintain itself as one of the most enlightened of nations would do its citizens gross injustice if it applied to its international relations any other that a high standard of honor and morality.

ON THAT GROUND the United States cannot properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it cannot allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform and on the same ground, if a feeble but friendly state is in danger of being robbed of independence and its sovereignty by a misuse of the name and power of the United States, the United States cannot fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation.

These principles apply to the present case with irresistible force when the special conditions of the queen's surrender of her sovereignty are recalled. She surrendered not to the provisional government, but to the United States. She surrendered not absolutely and permanently, but temporarily and conditionally until such time as the facts could be considered by the United States. Furthermore, the provisional government acquiesced in her surrender in that manner and on those terms, not only by tacit consent, but through the positive acts of some members of that government who urged her peaceble submission, not merely to avoid bloodshed, but because she could place implicit reliance upon the justice of the United States, and that the whole subject would be finally considered at Washington.

I HAVE NOT, however, overlooked an incident of this unfortunate affair which remained to be mentioned. The members of the provisional government and their supporters, though not entitled to extreme sympathy, have been led to their present predicament of revolt against the government of the queen by the indefensible encouragement and assistance of our diplomatic representative.

This fact may entitle them to claim that in our effort to rectify the wrong committed some regard should be had for their safety. This sentiment is strongly seconded by my anxiety to do nothing which would invite either harsh retaliation on the part of the queen or violence and bloodshed in any quarter.

In the belief that the queen, as well as her enemies, would be willing to adopt such a course as would meet these conditions, and in view of the fact that both the queen and the privisional government had at one time apparently acquiesced in a reference of the entire case to the United States government, and considering the further fact that in any event the provisional government by its own declared limitation was only "to exist until terms of union with the United States of America have been negotiated and agreed upon, "I hoped that after the assurance to the members of that governemnt that such union could not be consummated I might compass a peaceful adjustment of the difficulty.

ACTUATED BY THESE desires and purposes, and not unmindful of the inherent perplexities of the situation nor of the limiations upon my power I instructed Minister Willis to advise the queen and her supporters of my desire to aid in the restoration of the status existing before lawless landing of the United States forces at Honolulu on the 16th of January last, if such restoration could be effected upon terms providing for clemency as well as justice to all parties concerned.

The conditions suggested, as the instructions show, contemplate a general amnesty to those concerned in setting up the provisional government and a recognition of all its bona fide acts and obligations.

In short, they require that the past should be buried,

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and that the restored government should reassume its authority as if its continuity had not been interrupted.

These conditions have not proved acceptable to the queen, and though she has been informed that they will be insisted upon, and that, unless acceded to, the efforts of the president to aid in the restoration of her government will cease, I have not thus far learned that she is willing to yield them her acquiescence.

The check which my plans have thus encountered has prevented their presentation to the members of the provisional government, while unfortunate public misrepresentations of the situation and exaggerated statements of the sentiments of our people have obviously injured the prospects of successful exective mediation.

I therefore submit this communication with its accompanying exhibits, embracing Mr. Blount's report, the evidence and statements taken by him at Honolulu the instructions given to both Mr. Blount and Minister Willis, and correspondence connected with the affair in hand.

In commending this subject to the extended powers and wide discretion of the Congress, I desire to add the assurace that I shall be much gratified to cooperate in any legislative plan which may be divised for the solution of the problem before us which is consistent with American honor, integrity, and morality.

NOTE: Speech appeared in the Honolulu Star-Bullentin, Jan. 6, 1983

TO THE HONORABLE CONGRESSIONAL U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES: Senator Sparky Matsunaga, Chairman Senator Daniel Inouye, Congressman Cec Heftel and Congressman Daniel Akaka.

Aloha and welcome back to Hawaii. Aloha also to the people of Kauai:

Ellamae Puaala Kupau is my name, but I am better known as "Ellie Kupau."

One must smile as one sees that the U.S. Committee on Energy and Natural Resources is the committee to hear the public testimony on native Hawaiian claims for reparations. I must inform the Honorable committee that the Hawaiians when pushed to the wall exude a lot of energy from within. Just look at what Madame Pele can do. Whether we are 100% Hawaiian, 50% Hawaiian or just a small fraction of Hawaiian blood, we have the "Natural Resources" available and ready to combat the denial that an injustice was not done in 1893.

When I grew up, my father the late Colonel Oliver H. Kupau told us children that the land (or "Aina" as we commonly use that word today) was the most precious security that any Hawaiian can possess. Why? Because when one has a piece of land, one can build himself shelter and that shelter can protect him from the elements of weather. It is also his protection from the invasion by intruders. Whether one has any water on his land or electricity is of small significance for the time being, for he can survive. From the land he can bring forth the fruits of his labor such as sweet potatoes, taro, bananas. From the sea his fish and limu. From the raising of pigs, some chickens, rabbits, perhaps he can then become not only independent but self-sufficient as well...owning thus (the land) no one can take away from him.

"Should we sell?" We asked our father and his answer was:

"Why would you want to sell?"

"If you sell the land and spend the money then you have nothing."

If the people in the Hawaiian Community want the money instead of the land, the money may not even be sufficient to buy a home or land.

I never forgot the words of my father. That is why today I am personally against any monies being paid for the taking of the land.

How will the money be distributed? Who will receive it? Will the amount be a fair and equitable price for what was suffered by our ancestors? Will the recipients be satisfied with what they get or will they want more than their share?

Much has been said in testimony and testimonies given so far. If the general consensus is to reject Volume I (the majority report) of the final report of the Native Hawaiian Study Commission then one must replace that rejection with something else...Call it a balance, a negative report with a positive one. Although the basis for the conclusion reached by the six mainland commissioners who made up the majority is not satisfactory to the people then what does that tell me?

TO BEGIN TODAY in the twentieth century...1984, to make sure that the history written today is by our own Hawaiian people and that it be accurate. If not, we are alive today to dispute any inaccuracies. Hawaiian people of today...write your own history and leave a legacy for tomorrow...today, so in the future our children and their children will not have to go through with what we are going through today. For the facts will be there for the next generation to read...and not dispute, for the truth will be written once and for all, today...for the future.

I support Volume II for it is common knowledge and fact. I support the hard-working people who are trying to rectify the injustices by the over-throw of our Queen Liliuokalani in 1893.

To those who oppose the idea of broadening the definition of "Native Hawaiian" in Federal law to include those with less than 50% Hawaiian blood, I say to them; although I am not 50% Hawaiian, My father was 75% Hawaiian and his father and his grandfather more, but does that make me any less a "Native Hawaiian"? I believe not. We of the lesser amount look to the future for our children and their children's children to also share what was to go to their ancestors. Today, I do not begrudge the 50% or over their right to be first. I ask that they also be fair to those below for we are the majority that is backing and helping to see that their share comes first. It is not in cash...but the "Aina"...the Aloha Aina...so we too can stay put and not wander like a nomad in our own home lands or move away to far off lands because we cannot afford the high cost of housing.

I thank the committee for the opportunity of coming from the island of Oahu on this very wet day to Kauai to testify. I testify in the name of my family. I testify that right will justify the means. I testify that justice will be be done...for our claims are the cries of our ancestors that their tears shall not be in vain. Our voices then will be heard and its sound shall ring throughout our lands...for justice.

Mahalo.

Ellamae "Ellie" Puaala Kupau
ELLAMAE "ELLIE" PUAALA KUPAU

HENRY HAALILIO PETERS
SPEAKER

HOUSE OF REPRESENTATIVES
THE TWELFTH LEGISLATURE

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

May 4, 1984

The Honorable Spark Matsunaga
5121 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Matsunaga:

I deeply regret that I was unable to attend the hearings scheduled here in April on the Native Hawaiian Study Commission and apologize to you and members of the committee for my absence. Unfortunately, we were in the final days of our legislative session and my schedule prevented my participation in the hearings. Therefore, I would like to take this means to express my appreciation to you and the members of the committee for your great understanding and thoughtfulness in providing an opportunity for our citizens to participate in a matter which is of great importance to many of us.

I have included some comments of my own and ask that they be accepted as written testimony on the subject of the Native Hawaiian Study Commission. I need hardly express the hope that all is well with you and that you will continue to enjoy good health, happiness and continued great success.

With warm personal regards and Aloha,

Sincerely,

HENRY HAALILIO PETERS
Speaker

Encl.

TESTIMONY BY SPEAKER HENRY HAALILIO PETERS
SUBMITTED TO
THE U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON THE NATIVE HAWAIIANS STUDY COMMISSION

APRIL 20, 1984

Chairman Spark Matsunaga and members of the U.S. Senate Committee on Energy and Natural Resources....Aloha! Mahalo for the opportunity to submit written testimony on the Native Hawaiian Study Commission Report on the culture, needs and concerns of Native Hawaiians.

As Speaker of the House of Representatives of the State of Hawaii, it is indeed a pleasure to express to you and the committee members my sincere appreciation for the opportunities you have extended to our residents to present their views on a matter of substantial interest to a very large segment of our State.

I support Volume II of the Native Hawaiian Study Commission Report, dated June 23, 1983. There is very little that I can add to the concerns expressed in Volume II regarding the questionable methods used in Volume I in analyzing and interpreting ancient Hawaii's complex culture and society, and the historical events leading to the alteration of the Hawaiian civilization and to the overthrow of the Kingdom of Hawaii. I believe that, at the very least, the study of the needs and concerns of our Native Hawaiian people deserve an equitably and fairly established commission, without built in biases or preconceived conclusions or predetermined objectives.

As you gentlemen know, the culture, needs and concerns of Native Hawaiians are an important subject to our State Legislature and we have expressed these concerns in transmittals to Congress through our House Resolutions numbers 353, adopted in 1984; and 436, adopted in 1983. The House also adopted House Concurrent Resolution number 169, in 1983. Copy of these resolutions are attached for your convenience and review.

One of our concerns is that the majority members of the commission had very limited contact or knowledge of Hawaii and were selected because of strong leanings toward denying claims that do not fall within established legal precedents. The interests and rights of our Native Hawaiian people may not fit well within established legal precedents and the conclusion in Volume I which is adverse to the welfare of Native Hawaiians seems to be a foregone one, given the predisposition of the majority of the commissioners. However, the critical assessment of Volume I made in Volume II by the Commission's minority members provides a clear perspective of the culture, needs and concerns of the Native Hawaiians and provides an excellent basis upon which to properly assess the interests and rights of our Native Hawaiian people.

Both Volumes I and II may long serve as the basis for determining the future course of legislation and Congressional actions affecting Native Hawaiians, and may even serve to establish new, and unprecedented legal grounds for protecting the rights and interests of Native Hawaiians and their heritage. Any flaws in the reports must be cleared up and corrected to best serve the interest of the Native Hawaiian people and to assure that future generations of Native Hawaiians will receive the proper recognition and their just due.

I believe that the minority report on the culture, needs and concerns of Native Hawaiians contained in Volume II best serves the interests of the Native Hawaiian people. Accordingly, I support and urge the adoption of the report in Volume II of the Native Hawaiian Study Commission.

Again, I wish to thank you, Chairman Matsunaga, and members of the United States Senate Committee on Energy and Natural Resources for the opportunity you have extended to me and to all of our interested citizens to comment on the Native Hawaiian Study Commission Reports.

Mahalo and Aloha.

# # # # # # # # # # #

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
TWELFTH LEGISLATURE, 19 84
STATE OF HAWAII

H.R. NO. 353
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HOUSE RESOLUTION

URGING THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE UNITED STATES HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FORMALLY REJECT ENUMERATED SECTIONS OF THE FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION, VOLUME I.

WHEREAS, the Hawaii State Legislature holds a deep and abiding commitment to the enhancement and protection of the rights and interests of the Native Hawaiian people; and

WHEREAS, this commitment can and, appropriately, should extend to an examination of all governmental documents and studies which impact on the well-being of our community and responses to their demonstrated needs; and

WHEREAS, the Final Report, dated June 23, 1983, of the Native Hawaiians Study Commission, a Congressionally mandated inquiry (Public Law No. 96-565, Title III) to "study the culture, needs, and concerns of Native Hawaiians" is to provide guidance on possible federal responses in identified areas affecting the rights and interests of our citizens; and

WHEREAS, Volume I of the Final Report contains many errors and inaccuracies which are specifically addressed in Volume II; and

WHEREAS, unless these errors and inaccuracies are refuted and formally rejected, harm and injustice will be done to the people of the State of Hawaii; and

WHEREAS, Volume II offers specific point-by-point refutation in the following areas of Volume I:

(1) "Approach and Methodology", pages 1-8;

(2) "Conclusions and Recommendations", pages 21-32;

(3) "Ancient History to Reciprocity", pages 147-172;

(4) "Land Laws and Land Relationships", pages 251-264;

(5) "Diplomatic and Congressional History: From Monarchy to Statehood", pages 265-332;

(6) "Existing Law, Native Hawaiians, and Compensation", pages 333-370; and

(7) "Review of Hawaiian Homes Commission Programs", pages 371-418;

and

WHEREAS, the Hawaii State Legislature shares the concerns raised in Volume II of the Final Report, and notes that Volume I contains a fundamental misinterpretation of the history of these Hawaiian Islands, misapplies American Indian law to the Native Hawaiian experience, forces legal analyses which jeopardize the whole body of claims and settlement precedents, and thereby denies justice to the Hawaiian people; and

WHEREAS, such errors and their use as the basis for findings, conclusions, and recommendations to the U.S. Congress and as the source for possible future determinations of fact or action by the national government must not be permitted to stand unchallenged and uncorrected in national records; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that this body urge the United States Senate Committee on Energy and Natural Resources and the United States House Committee on Interior and Insular Affairs to formally reject those portions of the Final Report of the Native Hawaiians Study Commission, Volume I, enumerated in the body of this document, including the entirety of the conclusions and recommendations included in that volume; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Honorable James McClure, Chairperson of the U.S. Senate Committee on Energy and Natural Resources; the Honorable Morris K. Udall, Chairperson of the U.S. House Committee on Interior and Insular Affairs; the Honorable Daniel K. Inouye, Spark M. Matsunaga, Daniel Akaka, and Cecil Heftel, the members of Hawaii's Congressional delegation; Ms. Kina'u Boyd Kamali'i, the Chairperson of the Native Hawaiians Study Commission; Mr. Joseph Kealoha, the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs; and members of the news media of Honolulu.

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
TWELFTH LEGISLATURE, 1983
STATE OF HAWAII

H.C.R. NO. 169

HOUSE CONCURRENT RESOLUTION

URGING THE CONGRESS OF THE UNITED STATES TO ACKNOWLEDGE THE ILLEGAL AND IMMORAL ACTIONS OF THE UNITED STATES IN THE OVERTHROW OF THE KINGDOM OF HAWAI'I IN 1893, AND TO INDICATE ITS COMMITMENT TO GRANT RESTITUTION FOR THE LOSSES AND DAMAGES SUFFERED BY NATIVE HAWAIIANS AS A RESULT OF THOSE WRONGFUL ACTIONS.

WHEREAS, the State of Hawai'i and all of her people proudly share, endorse, and encourage American ideals and principles of justice through law, and profoundly believe that an unresolved injustice to one is a harm endured by all; and

WHEREAS, such a harm to Native Hawaiians has occurred without redress or remedy; and

WHEREAS, Native Hawaiians have been included and identified as Native Americans in recognition of their unique and special relationship with the United States as an indigeneous people; and

WHEREAS, as a result of the good conscience of the American people, speaking through the Congress, redress and remedy have been granted to other Native Americans for injustices and harm done them; and

WHEREAS, the Congress of the United States has indicated its interest in the pursuit of seeking resolution to possible claims by Native Hawaiians for the losses and damages which resulted from the overthrow of the legal government of the Kingdom of Hawai'i in 1893; and

WHEREAS, the Congress enacted Public Law 96-565, Title III, and thereby established a Native Hawaiians Study Commission to advise the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Interior and Insular Affairs on issues of concern to Native Hawaiians; and

WHEREAS, the Legislature of the State of Hawai'i also has an abiding and deep commitment to the fulfillment of national purposes relating to Native Hawaiians and truly affecting all of the citizens of Hawai'i; and

WHEREAS, it is, therefore, appropriate for this Legislature to express its formal beliefs in the matter of Native Hawaiian claims against the United States for actions which occurred in 1893, and subsequently with American annexation of the Islands of Hawai'i in 1898; and

WHEREAS, based upon a careful examination of historical records and accounts the Legislature of the State of Hawaii has determined there is sufficient reason to believe that:

(1) The United States, through its representatives in the State and Navy Departments, did encourage and actively supported rebellion against the legitimate government of the Kingdom of Hawai'i;

(2) The involvement of U.S. Minister John L. Stevens was crucial to the success of the rebellion, and that his refusal to remain neutral in the domestic affairs of the Kingdom and, instead, to become an active agent in the planning and military force supporting the insurrction by ordering the landing and placement of American marines in a manner and position unmistakeably intended to intimidate the Queen of Hawai'i and her government;

(3) Without such armed American support, the insurgence would have failed for a lack of popular support and insufficient arms; and

(4) Such actions by the American minister and forces was a breach of international law, of treaties with the Kingdom of Hawai'i, and was characterized by President Grover Cleveland in his "Executive Message to Congress" (December, 1893) as an illegal and immoral act of war against a feeble and trusting nation;

and

WHEREAS, because of these American actions the Queen yielded her authority and that of her government to the United States through Minister Stevens, who did not forward her plea for review by the United States but acted to recognize a provisional government composed of leaders of the insurrection and to declare an American protectorate over the Islands; and

WHEREAS, these actions were augmented two weeks later by the occupation of American troops in all government buildings of the Hawaiian Islands at the request of the provisional government from a fear of being unable to maintain control; and

WHEREAS, these actions culminated in the assertion of control by the subsequent Republic of Hawai'i over the crown, government, and public lands of the Kingdom of Hawai'i; and

WHEREAS, such lands and sovereignty represented the traditional and ancestral land rights and titles of the Native Hawaiian people; and

WHEREAS, these ancestral rights and lands were ultimately ceded to the United States by a government whose existence was dependent upon the actions and agents of the United States; and

WHEREAS, this transfer occurred without the consent of the Native Hawaiian people, without compensation for their interests, and without any explicit protection of their interests; and

WHEREAS, through amendments to the State Constitution in 1978, the people of the State of Hawai'i ratified and formally acknowledged the rights of Native Hawaiians to a legislatively determined pro rata share of the proceeds of such lands ceded to the United States and returned as a public trust to the State of Hawai'i in the Admission Act of 1959; and

WHEREAS, in the ratification of another constitutional amendment in 1978, the people of Hawai'i also established an Office of Hawaiian Affairs to administer the proceeds from this trust, and explicitly empowered the Office to be the receptacle for all moneys or lands granted to the Native Hawaiians as restitution by the United States for damages incurred by the actions which resulted in the overthrow of the Kingdom of Hawai'i; and

WHEREAS, these State Constitutional provisions, and their codification in the Hawaii Revised Statutes as Chapter 10, do indeed endorse and encourage Native Hawaiian rights and interests as a significant, proper, and public purpose; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring, that the Congress of the United

H.C.R. NO. 169

States is respectfully urged to acknowledge the illegal and immoral actions of the United States in the overthrow of the Kingdom of Hawai'i in 1893, and to indicate its commitment to grant restitution for the losses and damages suffered by Native Hawaiians as a result of those wrongful actions; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Chairperson of the U.S. Senate Committee on Energy and Natural Resources, the Chairperson of the U.S. House Committee on Interior and Insular Affairs, the members of the Hawai'i Congressional delegation, the Chairperson of the Native Hawaiians Study Commission, and to the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

OFFERED BY: Peter K. Apo

APR 4 1983

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HOUSE OF REPRESENTATIVES
TWELFTH LEGISLATURE, 19 83
STATE OF HAWAII

H.R. NO. 436

HOUSE RESOLUTION

URGING THE CONGRESS OF THE UNITED STATES TO ACKNOWLEDGE THE ILLEGAL AND IMMORAL ACTIONS OF THE UNITED STATES IN THE OVERTHROW OF THE KINGDOM OF HAWAI'I IN 1893, AND TO INDICATE ITS COMMITMENT TO GRANT RESTITUTION FOR THE LOSSES AND DAMAGES SUFFERED BY NATIVE HAWAIIANS AS A RESULT OF THOSE WRONGFUL ACTIONS.

WHEREAS, the State of Hawai'i and all of her people proudly share, endorse, and encourage American ideals and principles of justice through law, and profoundly believe that an unresolved injustice to one is a harm endured by all; and

WHEREAS, such a harm to Native Hawaiians has occurred without redress or remedy; and

WHEREAS, Native Hawaiians have been included and identified as Native Americans in recognition of their unique and special relationship with the United States as an indigeneous people; and

WHEREAS, as a result of the good conscience of the American people, speaking through the Congress, redress and remedy have been granted to other Native Americans for injustices and harm done them; and

WHEREAS, the Congress of the United States has indicated its interest in the pursuit of seeking resolution to possible claims by Native Hawaiians for the losses and damages which resulted from the overthrow of the legal government of the Kingdom of Hawai'i in 1893; and

WHEREAS, the Congress enacted Public Law 96-565, Title III, and thereby established a Native Hawaiians Study Commission to advise the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Interior and Insular Affairs on issues of concern to Native Hawaiians; and

WHEREAS, the Legislature of the State of Hawai'i also has an abiding and deep commitment to the fulfillment of national purposes relating to Native Hawaiians and truly affecting all of the citizens of Hawai'i; and

WHEREAS, it is, therefore, appropriate for this Legislature to express its formal beliefs in the matter of Native Hawaiian claims against the United States for actions which occurred in 1893, and subsequently with American annexation of the Islands of Hawai'i in 1898; and

WHEREAS, based upon a careful examination of historical records and accounts the Legislature of the State of Hawaii has determined there is sufficient reason to believe that:

(1) The United States, through its representatives in the State and Navy Departments, did encourage and actively supported rebellion against the legitimate government of the Kingdom of Hawai'i;

(2) The involvement of U.S. Minister John L. Stevens was crucial to the success of the rebellion, and that his refusal to remain neutral in the domestic affairs of the Kingdom and, instead, to become an active agent in the planning and military force supporting the insurrection by ordering the landing and placement of American marines in a manner and position unmistakeably intended to intimidate the Queen of Hawai'i and her government;

(3) Without such armed American support, the insurgence would have failed for a lack of popular support and insufficient arms; and

(4) Such actions by the American minister and forces was a breach of international law, of treaties with the Kingdom of Hawai'i, and was characterized by President Grover Cleveland in his "Executive Message to Congress" (December, 1893) as an illegal and immoral act of war against a feeble and trusting nation;

and

WHEREAS, because of these American actions the Queen yielded her authority and that of her government to the United States through Minister Stevens, who did not forward her plea for review by the United States but acted to recognize a provisional government composed of leaders of the insurrection and to declare an American protectorate over the Islands; and

WHEREAS, these actions were augmented two weeks later by the occupation of American troops in all government buildings of the Hawaiian Islands at the request of the provisional government from a fear of being unable to maintain control; and

WHEREAS, these actions culminated in the assertion of control by the subsequent Republic of Hawai'i over the crown, government, and public lands of the Kingdom of Hawai'i; and

WHEREAS, such lands and sovereignty represented the traditional and ancestral land rights and titles of the Native Hawaiian people; and

WHEREAS, these ancestral rights and lands were ultimately ceded to the United States by a government whose existence was dependent upon the actions and agents of the United States; and

WHEREAS, this transfer occurred without the consent of the Native Hawaiian people, without compensation for their interests, and without any explicit protection of their interests; and

WHEREAS, through amendments to the State Constitution in 1978, the people of the State of Hawai'i ratified and formally acknowledged the rights of Native Hawaiians to a legislatively determined pro rata share of the proceeds of such lands ceded to the United States and returned as a public trust to the State of Hawai'i in the Admission Act of 1959; and

WHEREAS, in the ratification of another constitutional amendment in 1978, the people of Hawai'i also established an Office of Hawaiian Affairs to administer the proceeds from this trust, and explicitly empowered the Office to be the receptacle for all moneys or lands granted to the Native Hawaiians as restitution by the United States for damages incurred by the actions which resulted in the overthrow of the Kingdom of Hawai'i; and

WHEREAS, these State Constitutional provisions, and their codification in the Hawaii Revised Statutes as Chapter 10, do indeed endorse and encourage Native Hawaiian rights and interests as a significant, proper, and public purpose; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, that the Congress of the United States is respectfully

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urged to acknowledge the illegal and immoral actions of the United States in the overthrow of the Kingdom of Hawai'i in 1893, and to indicate its commitment to grant restitution for the losses and damages suffered by Native Hawaiians as a result of those wrongful actions; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Chairperson of the U.S. Senate Committee on Energy and Natural Resources, the Chairperson of the U.S. House Committee on Interior and Insular Affairs, the members of the Hawai'i Congressional delegation, the Chairperson of the Native Hawaiians Study Commission, and to the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

OFFERED BY: Peter K. Apo

Eloise Tungpalan
Calvin K. Y. Say
Norma Wong
Virginia Isbell
Joseph M. Souki
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Saballa
Tom Okamura
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Rod Tam

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Ken Kiyabu

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Alika Kailianu C. Cooper
163 Kaiulani Str.
Hilo, HI 96720

April 22, 1984

SUBJECT: The Native Hawaiian Study Commission Hearing
from Monday, April 16, to Friday, April 20, 1984

Please include my testimony in your report.

My name is Alika Kailianu C. Cooper, who resides in Hilo on the island of Hawaii.

The Hawaiian Study Report is bias, slanted, and untrue. The make-up of the committee had only three part-Hawaiian on it, the balance were arrogant, white, bureaucrats with very little background of what transpired in Hawaii. It is obvious they supported a political decision that was passed on by the Administration.

We did not need this study, it is a fact, in the records of Congress, it was a historical injustice to Hawaii and all Hawaiians who are living, who have past, and who will be born in the future. An injustice America and Americans have never paid for.

Do you know that we are the only Native Americans who have never had a settlement with Congress and the United States. The American Indian and the Alaskans have and will continue to get settlements, but the Hawaiians never had any consideration by the U.S. This has caused irreputable harm to our people economically, physically, mentally, and socially. This issue is really a Human Rights Issue, that must be addressed by Congress and the United States of America, for they literally overthrew our Hawaiian Kingdom, there is no question about what took place, it is all documented in Congress.

I would like to tell you the story of what transpired. We must start with the arrival of Capt. James Cook in 1778, who acknowledged the Hawaii nation as a superior nation, well cared for, well run, very efficient, and cleanliness superior to even their country of England. Cook was an ugly, sick British captain who got killed for his arrogant actions. The main point he, along with Capt. Vancouver and other English captains respected the Hawaiian nation and archipelago at the highest level. In 1794, the Hawaiian Islands were recognized as a nation by England, China, and most of the world countries. America had a plot to overthrow the Hawaiian nation, either by friendship, force, or buying the Hawaiian Islands.

From the time of the ninth President of America, William Henry Harrison in the 1840's, a plot to take over the Hawaiian nation was in full effect. The reason America now had two different oceans to protect, and Hawaii was the stepping stone to control America's front. President Tyler, the tenth president continued this effort.

During the reign of Kamehameha III to Liliuokalani, many attempts were made to buy our archipelago by America. Finally, America could not wait any longer, the friendship method did not work, so we were overthrown during Queen Liliuokalani's reign in 1893. Many treaties with America have been broken-America just ignored them.

Stevens was the instigator along with Americans and annexationists. Stevens was a GINGO , the Minister and Ambassador representing America. Stevens was well trained in military affairs who took over Paraguay with U.S. troops. Later he was the Ambassador of Sweden. The Swedes literally threw him out of their country.

In 1889 he was sent to Hawaii, where he immediately continued plotting to overthrow the Hawaiian nation. He did exactly as he did in Paraguay, bringing in troops and taking over our Hawaiian Kingdom by force.

I could go into great detail, for one of my grandfathers was the doctor for the Kingdom, an annexationist, my other grandfather was a farmer and businessman who was locked up in jail with George Lycurgus, Wilcox, and hundreds of the Queen's people. One grandfather locked the other grandfather up. I have diaries from this era by my annexationist grandfather who really believed they were doing right. Both grandfathers told me in detail many times what transpired, neither of them very friendly to each other.

The United States 50 plus years of plotting became a reality. What happened was our nation, taken by America, was turned over to the annexationist, territory, and eventually the State of Hawaii in 1960. Our land, Kingdom, wealth, all STOLEN from us and we have never had any settlement from America.

Legality of the Hawaiian Islands from Kure to Palmyra. A syndicated group of Americans enlisted the United States to take by force, a defenseless and friendly Kingdom of Hawaii. America in 1893, obliterated the legal and human rights of my ancestors and their benevolent ruler; dethroned our Queen Liliuokalani; confined her Majesty to jail under constant guard; and established its own government.

The strategy of the imperialist throughout history has been to submit the conquered to the ways of the conqueror. First, to deny their independence and then to make them dependent. To do this, the conqueror creates the stereotype versions of the people and their way of life and finally to have the people believe they are inferior. When this is achieved, the conquered people are dependent - and now are ready to accept their place of servitude. This is a capsuled version of how and what our Hawaiian people have suffered at the hands of Americans and the annexationists and thereafter through the years up to this present date.

Let me explain about the Konohiki of the waters and oceans of Hawaii. These laws surpass any other laws or any laws written after the Konohiki, these are our aboriginal rights.

The first Konohiki ran to the outer reefs and beyond. The second Konohiki went out to the aku grounds, including all the deep sea grounds. The third Konohiki is our six oceans and divided the island kingdoms.

The seventh ocean was reclaimed by Queen Kaahumanu when she voyaged to the Leeward Islands. Although this was always the seventh ocean and Konohiki within the archipelago. Queen Kaahumanu in the early 1800's reclaimed the seventh ocean and Konohiki for the Kingdom was afraid a foreign power would claim one of the islands.

These Konohikis are valid and you should take them seriously. We are tired of a bureaucracy that doesn't respect our aboriginal rights and our laws.

Let's look at our people today. We stack unemployment, welfare. In the local jails over 80% of the prisoners are of Hawaiian descent. If this isn't revolting, I ask you, what is?

Our population is about 18% Hawaiians, yet we are not represented in 18% in the Federal government in Hawaii, we are lucky to be ½ of 1% - employed by the Federal government.

Most of our people are socially, economically, deprived, we are almost a stranger in our own country.

The Leeward Islands which the Fish and Wildlife, Dept. of the Interior, is trying to claim. These islands from Kaula to Kure are seeded lands, they belong to the Hawaiian nation. Yet there is a conspiracy with Fish and Game, Dept. of the Interior, and the National Marine Fisheries, Dept. of Commerce, to take over without any legality, these islands for a bird sanctuary. Fish and Game has a master plan, some of these people are on the Leeward Islands harassing the seals, turtles, birds, etc. Fish and Game have posted signs on all the islands that it is illegal to go on any of the islands and they are in charge. This is arrogant.

One must remember, Hawaiians lived on Nihoa, NECKER ~~Weka~~, French Frigate Shoals and probably many other smaller islands. We have religious sites, house sites, etc. on Nihoa and Necker Islands. Other sites on the other Leeward Islands have been destroyed. This Leeward Island conspiracy by transit bureaucrats must be addressed, either OHA or the State of Hawaii must take a stand and evict these ugly bureaucrats. Neither Fish and Game or National Marine Fisheries has any Hawaiians in any decision making capacity, neither of them have any Hawaiians working for them.

What about the Freedom of Religion Act of 1978? What about Equal Opportunity for hiring? This is how America treats us.

What has happened to our 3.5 million acres of seeded lands, we aren't running it, we are not getting our rightful share from these lands, another unjust to the Hawaiians.

The last subject I want to touch on is the turtle issue. Five years ago, National Marine Fisheries, Dept. of Commerce, and Fish and Wildlife, Dept. of Interior, got together. These transit bureaucrats decided that turtles in Hawaii were a threatened species. They also said there is a substitute for turtle in Hawaii. No investigation was made to learn of population count, no knowledgable people were notified, and these ugly Americans stopped everyone from using turtles. Turtles can be used for subsistance in the Pacific Basin, but not for Hawaiians.

Six months ago, a five year review by National Marine Fisheries came about for I put some pressure on the subject. For four years, I have been trying to get turtles to put in our Kalahuipua'a fish ponds to control the obnoxious grass and seaweed which is in the fish ponds. This is traditional, it has always been done. No permission was given me. We want to open the turtle up for all traditional usages, which include subsistance, religious usages, medicine, cleaning of fish ponds, etc. For Hawaiians, only Hawaiians.

My last correspondence with National Marine Fisheries in January was never answered, I asked them for 30 to 40 turtles to clean some fish ponds that have been overgrown for forty years or more on Hawaiian Homes Land.

The turtle population is thriving in Hawaii, we have more turtles than I have seen for years, and yet all we get is shuffling papers with these transit bureaucrats.

A precedent has been set with other native Americans - they can kill to eat seals, whales, etc. The rest of the Pacific can catch turtles for subsistence, are we different?

The above should be addressed and avenues to settle the issues done soon. The seeded land must be returned, the Konohikis of the oceans must be respected for mining rights of the ocean are talked about and will be a reality soon. The aboriginal rights which we haven't lost a case in court, must be addressed. All the above and more has come about because of the overthrow of our Hawaiian nation and must be addressed.

I hope you bureaucrats will be fair with us, for we have suffered ever since America took by force our nation, we have suffered economically, socially, physically, and mentally, and in every way you can think of.

I want to thank our Congressional people and the people in Congress for helping us.

Aloha A Nui Loa Kakou,

Alika

Alika Kailianu C. Cooper

BEFORE THE UNITED STATES SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
KAUAI, HAWAII
April 20, 1984

REMARKS OF PROFESSOR NEIL M. LEVY

Mr. Chairman and members of the Committee, I am Professor Neil M. Levy of Golden Gate University, School of Law. For the past 15 years, I have studied and worked with native people: Indians, Alaskan Natives and Native Hawaiians. I authored an article on Native Hawaiian Land Rights which appeared at 64 Cal. L. Rev. 848 (1975) (which I have submitted for the record) and the Chapter on Native Hawaiians in Cohen's Handbook of Federal Indian Law. I am here to urge Congress to adopt legislation to compensate Native Hawaiians.

I have reviewed in depth Volume I of the Native Hawaiians Study Commission Report. Despite its presentation of much accurate data on the current conditions of Native Hawaiians, it reaches in my view an erroneous conclusion on the need to compensate Native Hawaiians. This week you have heard criticism of the Volume's methodology and conclusions. More fundamentally, however, I think that Volume I is fatally flawed because it asks the wrong question. It asks one question it deems to be crucial.

> "Whether Native Hawaiians have any claims under present law for compensation from the United States for loss of land or sovereignty." (Pg. 17)

Volume I then proves to its own satisfaction that no present legal right to compensation exists. I agree. If any present legal right to compensation existed, Native Hawaiians would not be urging the passage of legislation. They would be in a court of law asserting that right. The task of Congress, of course, is not merely to determine what rights exist under present law, but to determine what action Congress should take to change present law. Legal rights by definition are rights recognized by laws.

Must Congress pass a compensation bill? Certainly not. I know of no legal principle which requires Congress to pass laws. The Republic won't flounder if Native Hawaiians are not compensated. But the same principles of justice upon which Congress acted when it passed compensation bills for Indians, militate in favor of Congress providing just compensation for native Hawaiians.

There have not been many instances in our country's history of native prople who have had a legal right to compensation which could be asserted without prior Congressional action. From 1863 until 1946, Congress passed 142 special jurisdictional acts to allow Indian claims. These special statutes were necessary in part to remove technical defenses which the United States might have had to such action. For example, statute of limitations may have run. But a deeper purpose is also clear. The United States wished to compensate for past moral, as well as legal wrongs.

Under the Indian Claims Commission Act of 1946, the broadbased bill which provided compensation for mainland Indians and Alaskan natives, this purpose was even more clear. The statute waived technical defenses available to the United States. But the Act's ethical basis was much broader. Sec. 70(a)(5) stated that actions could be brought which were "based upon fair and honorable dealings, that are not recognized by any existing rules of law or equity." Then Congressman Henry Jackson stated in the debate over the bill that such a clause was necessary.

He stated:

> "Let us pay our debts to the Indian tribes that sold us the land we live on...let us make sure that when the Indians have their day in court they have an opportunity to present all their claims of every kind, shape and variety so that the problem can be truly solved once and for all."

Underlying Congress' passage of the Indian Claims Commission Act were four reasons which also should lead Congress to compensate Native Hawaiians.

First, we are a nation that believes in justice and keeps its promises. The Northwest Ordinance, perhaps the first major legislation in our country's history, stated "the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them."

Our nations's greatest scholar concerning the rights of native people, Felix S. Cohn, Associate Solicitor for Indian Affairs, stated most eloquently:

> "Today, we can say that from the Atlantic to the Pacific our national public domain consists, with rare exceptions, of lands that we have bought from the Indians. We have probably missed a track, or paid the wrong Indians for land they did not own and neglected the rightful owners. But, the keynote of our land policy has been recognition of Indian property rights... It would be miraculous if across a period of 150 years, negotiations for the purchase and sale of these lands could be carried on without misunderstanding and inequity. We have been human, not angelic.... But when Congress has been fairly appraised of any deviation from the plighted word of the United States, it has generally been willing to submit to quick decision the claims of any Indian tribes. And it has been willing to make whatever restitution the facts supported for wrongs committed by blundering or unfaithful public service."

As Volume I of the Studies Commission itself points out, the

United States deviated in a substantial degree from such fair and honorable dealings with Native Hawaiians. In 1893, we allowed the United States military to be used in order to help American citizens overthrow a friendly government, thus fulfilling a long held political goal of some American politicians. That such actions had not been explicitly authorized by the President of the United States is not relevant. The United States, as Felix Cohn pointed out, bears responsibility for the unethical role of its agents. In passing the Indian Claims Commission Act, the United States chose the path of rectifying past inequitable behavior. No less should be done today for Native Hawaiians.

There are, of course, differences between the Native Hawaiian historical experience and the experiences which supported certain Indian claims. But, I suggest that these differences do not require an opposite result on the compensation issue. Native Hawaiians may not ethnically be Indians, but neither are Eskimos who received compensation under the Alaskan Claim Settlement Act. Hawaii is not on the mainland of the North American continent, but neither are the Aleution Islands and Aleuts received compensation. Sovereignty by another nation, the Republic of Hawaii, interceded between traditional life and Annexation by the United States, but California was ruled by Mexico and then the Republic of California before joining the

United States and California Indians have received compensation. Volume I, in part, claims that compensation should be denied, because at the time of Annexation Native Hawaiians were not a "single land owning entity." But in the Northwest of the mainland a number of tribes had individuated property rights and yet they received compensation.

Under the Indian Claims Commission Act, the United States went beyond relying on technical defenses. It chose to compensate for less than fair and honorable dealings. It should now choose to compensate for less than fair and honorable dealings towards Native Hawaiians. Thus, the first important reason to compensate is to live up to the ideals of justice we have set for ourselves. But, there are additional reasons why we should compensate.

The Study Commission documents with clarity the economic needs of Native Hawaiians. Native Hawaiians today are plagued by serious economic, social and educational hardships. Generous compensation can help undo the physical and psychological damages of conquest. The awarding of compensation can result in the advancement of Native Hawaiians which in turn will decrease the cost to the nation of the compensation by removing ongoing costs of poverty.

A third reason to compensate Native Hawaiians is that such compensation can provide a degree of closure to the issue of compensation to America's native people. The United States has spent billions of dollars compensating mainland native people. We are near the end of the process. If Congress had the courage in 1946 to provide compensation to hundreds of mainland Indian tribes, at a time when the United States was still recovering from the effects of World War II, should it shrink from its moral duty today? Let us complete the process we have set for ourselves.

A fourth reason to compensate is to avoid unjust enrichment to the United States. We can draw a parallel from the law of contracts. Much of contract law is devoted to compensating parties who have suffered losses because of a breach of an obligation. But there is another principle which underlies much of the law of restitution: A wrongdoer should not reap profits from inappropriate behavior. The United States currently owns hundreds of thousands of acres in Hawaii. It profits from that land. It owned over a million additional acres which it turned back to the State of Hawaii at the time of statehood. The United States should choose not to be unjustly enriched from land it owns and for which it has never paid.

In 1920, the United States passed the Hawaiian Homes Commission Act. One purpose of this act was to "rehabilitate" Native Hawaiians. A compensation act today will further that rehabilitation. More importantly, however, a compensation bill will help rehabilitate the American conscience. We cannot rewrite the sins of our past. Let us be able to say, however, that when we were fairly appraised of those wrongs that we've done our best to rectify them. Let us now move from deciding whether to compensate Native Hawaiians to deciding how we shall compensate Native Hawaiians and how much we should compensate Native Hawaiians. The task is to do so in a righteous and effective fashion.

Once the United States decides to compensate, additional problems will remain of course. The compensation process may entail difficult tripartite negotiations among the federal government, the State of Hawaii and Native Hawaiian people. Issues will arise as they have in all other claims as to how compensation should be distributed and to whom. We have, however, developed decades of experience with these problems. As President Truman stated on signing the Indian Claims Commission Act, "we stand ready to correct any mistakes we have made."

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